Encl 2 to dispatch No. 234 dated 23 Oct

Dup Patt. 848073
D.S. 6900
B.

RECEIVED OCT 16 1871 DEPT OF STATE

Legation Yokohama

Japan Aug 27th 1871

No 234

Hon C C De Long

Envoy Extraordinary and

Minister Plenipotentiary

Contents

Delivering of Laws during the month and Passports to Messrs C C Stoddell, Wm R Hoag and Richard H Pullon.

No 234 United States Legation

Yokohama Japan Aug 27th 1871

Sir

I have the honor to inform you that during the month I have issued Passports to the following named American Citizens to visit

C C Starbell. Wm R Hoag and Richard H Pollon

I have the honor

Sir to be

Your obedient Servant

C C DeLong

Hon

Hamilton Fish

Secretary of State

Washington D C

U. S. Legation
Yokohama, Japan
Aug 27, 1871

C E DeLong

No 234

Enclosures None

Received

Passport issued

Rela. upon Minister to assist Pumpelly &c —
as to pretentions of claims, & especially those
arising from Contracts - Regret that that despatch
had only reached time, before his departure in the
claims Treaty &c —
Mr Pratt
Mr Pratt

Mr 235 dis 25 Oct

OCT 16 1871 DEPT OF STATE

From

C E De Long

Envoy Extraordinary and

Minister Plenipotentiary

Contents.

Reporting having presented a demand
of Gen'l F. C Ammiglon against the
Han of Owa growing out of a dispute
about a mining contract and of
having obtained its adjustment

No. 235 United States Legation

Yokohama Japan Aug 31st 1871

Sir.

I have the honor to report to you that over a year ago one F. C. Farrington who visited Japan in the capacity of Private Secretary to Mr Bunce entered into a contract with the Han of Aizu to serve them as a Miner

The contract was in writing and upon its being presented to me I endorsed my consent to it, upon it, and forwarded it to the Foreign Office at Yedo where it was also approved.

The Han recently discharged Mr Farrington claiming that his contract was for only nine months unless they desired its continuance

Hon Hamilton Fish

Secretary of State

Washington D.C

Mr

Mr Cannington on the contrary claiming
that it was to continue for fifteen months
longer upon condition that he discovered
gold mines on that country which he
asserted he had discovered

Mr Cannington addressed me upon
the subject and I laid the matter before
the Department for Foreign Affairs.

The Ministers and myself were unable
to agree as to the true meaning of the
Contract the English and Japanese versions
of which did not agree. It was therefore
proposed by the Ministers to call
both parties with the Interpreters before us at
the Foreign Office and examine them
this I consented to and this course was
followed. Mr Cannington was fully
sustained by the testimony of the
interpreter who acted between and for
both

both parties when the original
Contract was concluded

Thereupon His Excellency and
myself joined in a judgement deciding
the Contract to be for fifteen months from
provided the discovery of profitable
mines had been made

This matter being in dispute it
was agreed by His Excellency with
myself that we would select a
competent person who should proceed
to the Province of Acre and investigate
this subject and report to us, and that
we would abide by such report when
handed in

After this arrangement was entered
into His Excellency and myself
selected a competent person and notified
both parties. The

person

person selected however did not prevent
to the province as the affairs of the Mar
pensuits and did come forward and settle
with Mr Farmington fully admitting
the truth of his report made to this
Government and to myself relative to
the Mining discoveries that he had made
and also admitting the profitable
nature of the Mines; paying Chas
Farmington the amount of his salary
for the unexpired term Some Six
Thousand Dollars.

A very considerable amount of
Correspondence has ensued between us
in settling this affair which I do
not trouble you with Copies of as I
deem it quite unnecessary as the
affair is now amicably upsetted
but which I hold ready to forward
if

if so desired by you

Submitting to your kind approval

I am this Honor to be

Sir

Your Most obedient Servant

C. C. De Long

U. S. Legation
Yokohama, Japan
Aug 30. 1871

C E. Dubois.

No 235.

Enclosures None

Records

Claim of Mr Farnsworth against the claim of Awa, adjusted

Ext Sea

Mr Root

Yokohama

United States Legation

Yokohama Japan Aug 31st 1871

No 236

Hon. C. E. De Long

Envoy Extraordinary and

Minister Plenipotentiary

Contents.

Advising you of the promulgation of a Law by the Japanese Government prohibiting the importation of Animals or Hides skins from Countries now or hereafter infested by the Rinderpest - asking it to be noticed to foreigners and that foreign Representatives would assist in its enforcement.

Proceedings taken by me to conform to this request.

Referring to yours No 87. of the 22nd of May 1871

No 236 United States Legation

Yokohama Japan Aug 31st 1871

Sir

I have the honor to advise you that a few days since the Japanese Government enacted a Law against the importation of Animals or the skins of Animals into Japan from Countries heretofore or at present infected with the disease known as the Rinderpest.

The Minister for Foreign Affairs at the same time communicated to the Foreign Representatives copies of the Law and requested that they would compel obedience to it on the part of their Countrymen residing in the Empire

I am Sir

Hamilton Fish

Secretary of State

Washington D.C

Upon my own part I have received a Notification
from my Countrymen (Enclosure No 1 & Newspaper
Enclosed) Embodying the Law and have
to day followed it by sending to all HM
Consular Officers in this Empire written
instructions upon the subject (Enclosure No 2)
Referring to your dispatch No 87
of the 22nd of May 1871 I beg to ask you if
this action of mine comes within the limit of
those instructions in the manner you
desired and suggested
I have the honor Sir to be
Your Most Obedient Servant
C E De Long

NOTIFICATION.

AMERICAN CITIZENS resident in the Empire of Japan, are hereby notified that the following Law has been promulgated by the Japanese Government, and notified to the undersigned with a request that he would notify his countrymen in Japan of the same.

COPY OF LAW.

"WHEREAS a disease known as the Rinderpest which originated in Russia, and spread to the Eastward in Europe, resulting in the death of immense numbers of Animals in Central Europe and England, has as this Government is credibly informed extended now from its place of origin Eastward until it is prevalent throughout many portions of China, Siberia, Manchuria, and other portions of Asia.

Therefore to prevent if possible this disease from reaching this Empire, the Government of His Majesty the Tenno, has *Decreed* the following *Law* of which public notice is now given."

DECREE.

"From and after this date no animals either cattle, sheep or horses, or the skins of any such animals shall be imported to or allowed to land in this Empire (with the exception hereinafter stated) until otherwise decreed.

2nd.—No animals can hereafter be brought from the interior of Japan to any of the open ports without being first carefully examined, and all animals that upon such examination are found to be unwell, will not be allowed to land from any ship or to be driven from any place into any of the open ports.

3rd.—For the accommodation of foreigners resident in this Empire and Japanese who may desire to cultivate and breed improved species of animals; permits will be granted by this Government upon application therefor; for permission to import a limited number of animals from such countries as have never been infested with the Rinderpest to this Empire, which animals however, before being permitted to land will be carefully examined, and if found to be sick, will not be allowed to be landed notwithstanding the previous permission given for their importation.

4th.—If at any time any animal or animals shall be discovered within this Empire having the disease known as the Rinderpest they shall at once be killed and their bodies burned to prevent the spread of this disease.

5th.—If any person or persons shall sell or offer for sale the flesh of any animals that were sick when they were slaughtered, they shall be severely punished as for a very high crime, for in this way the diseases of animals are made to produce sickness and death amongst men.

6th.—All persons found violating any the provisions of this DECREE shall be punished according to law. The Foreign Authorities resident in this Empire are desired to co-operate with this Government in the execution of this DECREE against their subjects or citizens as the danger sought hereby to be guarded against is a common one to the native and foreign alike.

The Japanese local authorities are instructed to give strict attention to all of the provisions of this DECREE, and see that it is promptly executed with justice and impartiality."

The undersigned farther notifies his countrymen in Japan, that U. S. Consular Officers throughout the Empire will be at once instructed to enforce obedience to this law on the part of Americans by punishing any who violate its provisions by the infliction of penalties such as are provided by Statute Law of the United States or the Common Law for the punishment of similar offences.

C. E. DE LONG,
Envoy Extraordinary and Minister Plenipotentiary of the U.S. of America in Japan.

Kanagawa, Japan, August 30, 1871.

Enclosure

U.S. Legation
Yokohama, Japan

---

with Dis 236.

Copy of Notifi=
cation published
relative to Rinder=
pest

No 1

August 31, 1871

No. 38. (Copy) United States Legation

Yokohama Japan Aug 31st 1871

Sir.

Your attention is hereby called to a Notification issued by me on yesterday (Enclosure No 1) relative to a Law of this Empire recently promulgated and communicated to me by the Japanese Government prohibiting the importation of Animals and the Skins of Animals into Japan from countries that have hitherto been or are now infected with a certain disease known as the Rinderpest.

You will cause American Citizens resident at your Port to carefully respect the provisions of this Law by punishing any who fail to do so by inflicting upon them such punishments as by the rules of the Statute Laws of the United States or by the Common Law is provided for similar offences.

I have the honor to be Sir

Your Most obedient Servant

C. E. De Long

G. W. Shepard Esq

Consul Acting for

Kanagawa Japan

U.S. Legation
Yokohama

With Des No 236.

Copy of letter to
U. S Consular
officers.

No 2

August 31. 1871

Ack'd 23 Oct Answ'd Nov 2 att.

Cust

No 234 United States Legation

Yokohama Japan Aug 31st 1871

Sir

I have the honor to transmit herewith a Commission appointing me Envoy Extraordinary and Minister Plenipotentiary to the Court of Japan.

I have also the honor to enclose a Contract with the Japanese Government for the transportation of the United States Mail between San Francisco and Yokohama.

I have the honor to be, Sir, Your obedient servant

Chas. E. DeLong

The Hon. Hamilton Fish
Secretary of State
Washington D.C.

No 237 United States Legation

Yokohama Japan Aug 29th 1871

Sir

I have the honor to acknowledge the receipt of your dispatches Nos 93. 94 and 95. received by the last mail

I have the honor Sir to be

your most obedient Servant

C E De Long

Hon

Hamilton Fish

Secretary of State

Washington. D C

U. S Legation
Yokohama Japan
Aug 31, 1871

C E DeLong

No 237.

Enclosures none

Received

Despatches No 93, 94 & 95, received

Mr. Seward

Exhibit 208

United States Legation

Yokohama Japan Sept 24th 1871

No 238

Hon. C. C. De Long

Envoy Extraordinary and

Minister Plenipotentiary

DEPARTMENT
RECEIVED
OCT
16
1871
OF STATE

FOREIGN Relations 1871

Contents.

Some minor form of Office of Minister
for Foreign Affairs. Enactions appointed
Have all abolished. Important
political changes thus effected in
the government of this Empire.

Correspondence Enclosed

No 238 United States Legation

Yokohama Japan Sept 4th 1871

Sir.

I am as yet quite unable to furnish you with the full information promised in my despatch No 233 by the last mail in regard to the great changes going on in the administration of the affairs of this Empire. I will roughly sketch for your information some of the most important that have occurred within my knowledge and give you my opinion as to their intended effect - but I beg you not to place too much reliance on the deductions that I may draw as all here is still confusion and such information

Hon

Hamilton Fish

Secretary of State

Washington D C

information as I have received relative to the political bearing of these events has been hastily gleaned and needs some further verification.

On the 31st of August last I received a Note from Mr Sawa Foreign Minister for Foreign Affairs advising me of his removal from that position (Enclosure No 1)

1/

To which I at once replied. (Enclosure No 2)

2/

On the same day I received a Note from Mr Enackura advising me of his appointment to that position (Enclosure No 3)

3/

To which I also at once replied in a friendly and cordial spirit (Enclosure No 4)

4/

I beg to assure you that I felt deeply all I said in both of my replies as my relations with both of these gentlemen

1/

gentlemen have ever been since the date of our first acquaintance most cordial both officially and personally

On the 1st inst I received from the Minister for Foreign affairs a Note advising me of the abolishment of the Hans throughout the Empire. (Enclosure No 5) 57

Han means what we call Prince or Daimio.

On yesterday at the Foreign Office when I met the Ministers Swackenra and Serachmia I urged my enquiries about this matter and learned that by a decree all Daimios had been removed from office and directed in the ninth Japanese Month (this months from now) to assemble in Yedo and thereafter to constantly reside in

that

that City. They to be allowed ten per cent
of their former revenues as a means of support
but to be allowed no command or any
rank or office except to rank generally
as Noblemen; to be eligible to office
under the Central Government but not
otherwise than by selection by the Central
Government, to have any official positions;
their Associates or provinces to be directly
under the Administration of the central
government which would for the present
retain the former local officials under
the Daimios in their respective positions
but subject to such changes as the
Central government might see proper
from time to time to make.

I enquired if any resistance to
this decree was feared or expected, and
I was given to understand that on

the

the contrary many of the larger Daimios has solicited the insurance of the decree

So yet this will doubtless seem exceedingly strange as it seemed to me but my own conclusions are these.

That these Daimios have for a long time past been more nominal than actual rulers of their provinces, the real control of which has been vested in a local legislature presided over by a Kiro or Dai'san gu. who reaching his position by merit and not from birth has gradually assumed more and more power until as a class these Kiros are more powerful than the heads of the respective Clans than this Lord the Prince has been, that the Daimios thus finding themselves as a class being gradually supplanted in

actual

actual power whilst they had entailed upon them the expense and responsibility of the position of actual Lord are happy to escape all responsibility and the expense of this sham sovereignty and retire to a position of ease and no responsibility when they will perhaps have from the ourtarth of their former revenues devoted entirely to their individual use more money to thus expend than they formerly had when receiving their full revenues.

This morning finds some support in the fact that some six or seven of these Kings have been called to fill high offices in the central government and elsewhere retained in their former positions.

Some of these Kings for the first time in the history of this reign have been appointed

appointed Chief Ministers of their respective departments. as for instance Okubo is Chief Minister of Finance. Gote of Public Works. whilst Okuma (Sanjo (of Satsuma clan) and numerous others are created Sanji or councillors of His Majesty.

The outlook of the whole affair to me is that it has been resolved to in fact do away with hereditary right of office before His Majesty himself.

Thus to push on side the Kuegays or old Court Nobility ~~and~~ Daimios and all others who have no other claim & title or office except by birthright and at the same time dispense with immovable useless officers; leaving then same Kuegays and Daimios eligible to office and assigning them to such positions

positions as their characters and talents
warrant them to be capable of in the
opinion of His Majesty.

To thus centralize the government by
practically extinguishing clanship and
placing all under one supreme head

This plan is one that is certainly
wise and desirable and if it can be
executed without bloodshed or trouble
will advance this nation in a day as
it were to a position that it has taken
some nations years to accomplish and
which some have never reached.

That I wish this government success
in its efforts to work this system I need
not assure you, or that I will lend it every
kindly aid by counsel or otherwise

Another thing of interest to
foreigners is observable in the changes

That //

that have taken place; especially with the acceptance by Mr Enackura of the office of Minister for Foreign Affairs.

Originally when the Mikados Government assumed control, swayed as it then was by the strongest kind of anti foreign sentiments the department of Foreign Affairs was seemingly made as low and unimportant as possible. to even make it appear to the native mind to be in fact no department of the Government at all. To this end the office was located near the foreign Concession in Yedo in a miserable building in what they consider the fishermans quarter of the City whilst all the other Departments had their offices in or adjacent to the palace.

Gentlemen of first merit and talent

in

in the Gvmment ought to this post
but appears to scon this in fact it
is said that it was looked upon more
as a mask of royal neglect or contempt
than one of favor or preferment to be
appointed to any position in the Foreign
department.

The daily increasing importance of
the foreign relations of Japan with the
lapse of time has revolutionized this
idea until I believe the Japanese
Govt have learned to look upon this
Department in its true light as being
in fact the one of the very greatest in
point of honor and difficulty of any
that they have to fill. This is evidenced
by Mr Enckenras acceptance of a post
to day that one short twelve months ago
I believe he would have regarded as

Worth

most demeaning for him to accept.

I have long believed and still believe him to be one of the very foremost men of his Government both in point of ability and power. He has held and I believe he still holds the rank and position of Chief Daimyo that is first Counsellor of His Majesty next to the Prime Minister. Sanyo Daijen

That I have had some little share in producing this last mentioned result I am happy to have some reason for believing.

During last month annoyed and perplexed by having a stream of claims poured in upon me for ajustment; matters perfectly for Courts, and amounting in one case with what I consider to be unconscionable delay in the Foreign

Office

Office I addressed an Appeal to the
6/ Dairnigins (Enclosure No 6) asking for
the necessary reforms of having Courts
Established Here in which my Countrymen
Could sue and obtain relief without thus
Constantly burdening me with this
unusual and improper business.

During the Course of my interview
with Mr Cracknell on Yesterday he
informed me that my Appeal had caused
the Counsellors of His Majesty to seriously
deliberate for several successive days
on the suggestions I had made and
fairly intimated although he did not
say as that this document had assisted
in causing the Government to favourably
Estimate its Department of Foreign Affairs.

If I had imagined that my
Appeal would have met with such

distinguished consideration
I should have suspended it much
more carefully.

His Excellency Mr Buchanan
in view of my departure for Yokohama
day after tomorrow has sent me
word that he wishes a confidential
interview with me to morrow and
for that purpose will visit me
at Yokohama. If from that
conversation any new light should
be shed I will write you a
limited statement that evening
before sailing.

I have the honor to be
Your most obedient Servant
C. E. DeLong

List of Enclosures
No 1 Note from Mr Sawa acknowledging

me of his resignation

No 2. My reply thereto

No 3. Note from Mr Cracknell advising me of his appointment

No 4 My reply thereto

No 5 Note from the Minister for Foreign Affairs advising me of his abolishment of the Hawaiian

No 6. My Appeal to the Board of Daimyos

(Copy)

No 30 United States Legation

Yokohama Japan Sept 1st 1871

To His Excellency

Kaw Nobomyoki &c &c

Your Excellency

Your note of yesterday advising me of your having vacated your former position of Minister of Foreign affairs, I have just received.

It gives me great pain to know that our official relations, so long and so pleasantly maintained are terminated

I trust that in your retirement you will do me the honor to consider me as still being your sincere personal friend, who will at any time be only too happy, to serve you at your command

I feel sure that all of my colleques join me in the belief that no monarch ever had a more honest or faithful officer than His majesty the Tenno had in the person of yourself

I remain your most friend and

Obedient Servant

(Sgd) C. E. DeLong

Envoy Extraordinary &c of the U.S. A. in Japan

Enclosure

U. S. Legation

Yokohama, Japan

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with Des No 238.

Refers to note

from Hon Sawa

No 1

September 1, 1871

(Copy of Translation) Tokei 7th Month 14th day
4th Year Meiji

Your Excellency.

I have the honor to advise
you that I have been removed from the
office of Gaimushio (Minister for
Foreign Affairs) and Mr Enactsura
has been appointed in my place
as my successor in that office.

I beg to tender you my most
sincere thanks for your courteous
and kindly consideration for me
hitherto whilst I occupied that position.

I have the honor to remain
Your most obedient Servant
Iwasumi Sawa Nobuyoshi

To
His Excellency
C. E. de Long.
Envoy Extraordinary and
Minister Plenipotentiary of the
U.S. of America in Japan

U.S. Legation
Yokohama, Japan

With Dis No 238

Note from Mr.
Sawa.

No. 2

September 1, 1871.

(Copy Translation) Tokei 7th Month 14th
day 4th year Meiji

Your Excellency

I have the honor to advise
you that I have recently been
appointed to the office of Gwannishō
(Chief Minister for Foreign Affairs)
It is my great desire that hereafter
you will establish with myself the
very intimate and friendly
relations that he have formerly held
with my predecessor.

I have the honor to remain
Your most obedient Servant
Iwami Tachibana Tomochika

To
His Excellency
C. E. De Long
Envoy Extraordinary and
Minister Plenipotentiary
of the United States in Japan

Enclosure

U. S. Legation
Yokohama, Japan

With Dis. No 238.

Note from Mr
Iwakura,

No 13

September 1, 1871.

(Cahy)

(No 31)

United States Legation

Yokohama Japan Sept. 8 1871

To His Excellency;

Mr Enoshima Toinomi;

Your Excellency

Your note advising me of your appointment to the office of chief Minister for Foreign affairs of this empire has been received.

I sincerely believe that the department, of which you are now the Chief, is the most important one in your Government.

Through it, all the business of your Government with Foreign Powers, should be conducted, consequently, in its Keeping is confided the great duties of conducting affairs with nations, that Japan may be kept at peace with all the world, and enjoy the honor and respect of every nation.

In the discharge of your high and honorable duties, it will be my greatest pleasure at all times, to render you every possible assistance, and I sincerely hope that you will honor me, by calling upon me for such assistance whenever you feel that I can serve you

my Government has no higher or other desire than to maintain her present cordial relations with your own, and to see Japan advance constantly in dignity and power.

Thus when I can in any way assist your Government, I will be carrying out the wishes of my own

Our personal acquaintance so pleasantly commenced, I sincerely hope may continue to grow more intimate and cordial as time passes.

Receive, my dear Sir, the assurances of my highest respect and consideration

(Sgd) C. E. De Long

Envoy Extraordinary and
Minister Plenipotentiary
U.S. of America in Japan

(Copy Translation) Tokei the 16th 7th month
4th year Meiji

Your Excellency

We have the honor to lastly bring to your knowledge the fact that whilst the Local Government of Japan was hitherto divided into three classes viz Fu Ken and Ken that the title of Han is now entirely abolished and changed into that of Ken for the future convenience of the nation

With respect & consideration
Iwakura Tomomi
Terashima Munenori
H. I. J. M's Ministers for
Foreign affairs

To Their Excellency
C. E. De Long
Envoy Extraordinary and
Minister Plenipotentiary
for the United States in Japan

Enclosure

U.S. Legation
Yokohama Japan,

With Dis No 238.

Abolition of the
Ports.

No 5

8

(Copy)

No 22. Legation of the United States of America

To their Excellencies

The Dai Ko Jon &c &c

Your Excellencies

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan in accordance with the privileges allowed by the laws of your Empire, begs leave to address in a most respectful manner to your high and honorable body this appeal, from the action and conclusions of the Minister for Foreign Affairs of your Empire, in a certain matter of business, that he has had occasion officially to place before ~~you~~ them.

The undesigned begs leave to assure your Excellencies, that in addressing ~~this~~ appeal to you, that he does so in no spirit of complaint, or fault finding, with ~~you~~ Their Excellencies. The minister for Foreign Affairs, or with any of them, ~~all~~ with all of whom the undesigned has ever sustained, and trusts to always be able to sustain the most cordial and friendly relations.

Neither is the undesigned moved to take this appeal by any sense of the importance or necessity

for haste that there is attending the Settlement of the special matter upon which this appeal is founded; but the undersigned thinks that the present system pursued by your Government in its management of affairs of this nature, is grievously faulty; and with a view of being able to convince you that reforms are needed, and of showing you in what manner the reforms desired might be worked, this appeal is taken.

The undersigned begs leave therefore to premise by advising your Excellencies of certain rules and principles, that obtain in American and European countries, in meting out justice and settling disputes between people, whether nations or aliens, and the reason why such rules are followed.

One of the first objects of all law, is to mete out Justice. Another object is to make justice pursue quickly on the heels of wrong; for justice delayed, often fails to properly indemnify the injured party, especially in business transactions; therefor when a system is found to be so faulty that a wrong doer may for a long time by tricks and artifices, avoid doing justice, it should be so remodelled as to permit the officers of the law, whose duty it is to see justice done, to prevent such unreasonable delays

The next object of the law is in all cases, to ascertain the truth. To do this in judicial investigations, it has for a long time been admitted by the jurists and statesmen of all civilized countries, that witnesses, men called upon to declare the truth about transactions within their knowledge, should be subject in their examinations, relative to such matters to examination and cross examinations, by and in the presence of both the parties to the controversy. In this way the conscience and knowledge of the witness is best sifted, so that the judicial eye can the clearest see the truth.

Another object our law has in view, in the adoption of rules for the government of trials is that thus all claimants and defendants are treated alike, and none may complain of the course that is pursued with all.

To that end, when one person wishes to commence, in our courts a civil action for the enforcement of a claim for money or damages, against another, our law compels him to file a written statement of his grievances, stating concisely; who his claims are against; and upon what grounds he asks for his relief.

The court then issues a writ called a

summons, notifying the party complained of (called by us the defendant) of the complaint made against him and of the relief or judgment that is asked; and notifies him to appear within some certain specified time (usually regulated by the distance where he is when he is summoned, from when the Courts sits, before which he is to appear) and file with the Court, his written reply, if he has any to make, to the complaint filed against him. If he fails to obey this summons, in some cases our courts without further investigation, decree the complainant the relief he seeks; or the Court may, notwithstanding the defendant offers no defence, call upon the complainant to prove his case before awarding him a judgment.

If the defendant in reply to the summons, admits the truth of the complainants statement, judgment is at once rendered against him. If however he answers, denying in whole or in part the complaint of the complainant, the Court causes at once, a copy of his reply to be given to the complainant; so that he may know which of his statements stand contradicted, and may therefore correctly judge, what he will be called upon to prove. Thus he is saved the necessity

of going to the expense of procuring witnesses to prove uncontroverted assertions.

Then the cause is set for trial at a certain place, on a certain time, and both parties are notified to be there present with their witnesses. At that time the examination proceeds in the presence of the Court, which first hears the witnesses for the complainant, and then those of the defendant, and finally any additional evidence that may be proper

When a party who produces a witness has concluded his examination of him the other party is allowed to question him and thus in the presence of the Court a witness is often detected in telling an untruth. The sagacity of the court being aided and re-inforced by the knowledge of the adverse party who is interrogating the witness. After such examination the Court renders judgment by the light of the law, to which all must cheerfully submit. This course, to which all foreigners are accustomed, is not followed by either of your local Governors or Ministers to whom Consuls and representatives are compelled to address the demands of

their countrymen, for examination and determination. No known rules in regard to the time within which cases will be tried and decided, or rules of evidence by which causes are determined are published or made known, so as to be understood by foreign officers who are therefor compelled constantly to grope in the dark in transacting the business of this nature with your Government

Your Courts examine by themselves unknown to us, the defendant, and his witnesses, we do not even know what is in dispute, or what is necessary or unnecessary for us to prove. Whilst foreign officers are thus situated, in attempting to obtain legal redress, for their countrymen against Japanese subjects, all foreign Powers having treaties with Japan, hold Courts constantly open, governed by published and proclaimed rules, and laws that may be known to all, and Japanese claimants are kept constantly advised as to what time trials will be held, what they will be required to prove, and are allowed

to be present to hear what the witnesses have to say who may testify against them, and to ask of such witnesses all proper questions.

In this way foreign tribunals mete out justice to Japanese subjects, by the same rules that it is administered to the citizens or subjects of their own or other states.

This system brings content and satisfaction to all classes, but above all, it inspires the masses with respect for and confidence in the laws, and thus secures the order in his place by inspiring obedience.

When therefore I present a claim or demand on behalf of any of my people at the Foreign office, I should, I think be given to understand within what time, the officers, Han, or individual complained against, would be compelled to answer my complaints. When the answer is filed, I should without delay be furnished with a copy of it, and the case set down for hearing, at some certain time, within which the attendance of the necessary witnesses can be procured, and a time fallow, participated in by both parties

with all of the witnesses present. I can best illustrate the grievances of which I complain by stating the facts of the case upon which the appeal is based.

On the 28th day of May last, I presented to the Ministers of Foreign affairs, a claim of Messrs Marsh Hall & Co, American citizens, against Ulli Ham, for some twenty three thousand dollars the value of a certain quantity of rice, sold and delivered by them, to that Ham, under contract bearing the seal of the Ham. From time to time I inquired what had been done or was being done about this matter, and was answered that the Governor of Kanagawa was investigating same, under the direction of the Foreign office that his report might soon be expected, and then I would be fully advised. And thus the matter continued. I did not know, nor could I find out what investigation was being made whether our claim was disputed or admitted and if disputed, what grounds of defence were assigned: ~~whether~~ as do I know at present. I was informed that it was alleged that the seal of the Ham had been stolen and used by a discharged officer. I urged upon the Minis-

that we could prove that the Han had received our rice, and hence, we ought to to be allowed our money for it, regardless of whether the seal of the Han was properly placed on the paper or not; hence, that I did not think it mater that our claim should be delayed pending an investigation which was being made not to determine our claim was just or not, but to determine whether whether a certain man ought to be punished or not. I waited patiently until yesterday when their Excellencies informed me that the report of the Governor had been received, but it was not satisfactory, and a further investigation had to be made.

When I inquired how long it would be before I could find out about this matter I was advised that no reply could be promised for thirty days.

I then felt, and still feel, that such delays amount to a denial of justice.

An investigation is pending, that I am not allowed to participate in, or know anything about, and which is to decide a right of my countrymen.

One of the main witnesses on my behalf

has been imprisoned by your authorities and has died in prison, thus we are deprived of his evidence.

I have now no more assurance as to when I may expect judgment, or what kind of judgment I may expect than I had three months ago, whereas, in the meantime one of the officers, and the main one who conducted this business with Walsh Hall & Co. is daily in our sight. Even the other day was engaged in attempting to negociate a large loan of money at one of the foreign banks in Yokohama, apparently having plenty of money, his full liberty, and freely laughing to scorn all attempts to make him do justice.

This condition of affairs leads to innumerable evils.

Foreigners, in dealing with Japanese, are led thereby to charge them unreasonable prices for monies loaned, or goods sold on credit, because they calculate the difficulties and delays in obtaining justice, and they increase their charges proportionally.

They make secret and unreasonable contracts

with Japanese, seeking to avoid and conceal their transactions from their ~~own~~ own, and the Japanese authorities, because of their fear of them, and their want of confidence in them.

Troubles are increased on every hand, not alone to the foreign, but to the Japanese authorities, and all because foreigners, not understanding your methods of settling disputes are afraid to trust to your tribunals. Evil minded persons spread abroad reports to the effect that subordinate officers in the department, if paid money, will expedite or retard the collection of claims, hence some of them resort to attempts to bribe your officers, and if in the conduct of their business, your officers decide against them, instead of being contented with their decisions, they are discontented and troublesome, they imagine that your officers have been ~~bribed~~ Corrupted, and so, constantly false and injurious impressions are allowed to gain ground, to the injury of the good name of his Majesty's Government abroad.

The injustice of allowing this condition of things longer to continue, will be manifest to your excellencies, when you read that

clause in your treaty with the United States, which reads as follows: "The Consular Courts shall be open to Japanese and" "shall, to enable them to recover their just" "claims against American Citizens and the" "Japanese courts shall in like manner be open" "to American citizens for the recovery of" "their just claims against Japanese" This clause of the treaty the American Government has fully and constantly carried out, whereas the Japanese government has wholly failed to do so.

I am aware that your government has, and that ~~and~~ has sent to my Government for men learned in ~~the~~ New Ships to do so, but the law to assist in this work, but pending the arrival of these people, and until such courts are established, the reforms that I suggest should be adopted My government does not desire that its Representatives there should have anything to do with claims such as are ordinarily tried and determined in Courts, It is business, that in other hands, Ministers have no connection with. Their duties are higher and are confined to the management of diplomatic affairs exclusively, whilst here, Seven-tenths

of the business I have to do, and that is done by your Ministers for Foreign Affairs, is the settlement of claims and demands of a purely Private nature. It is exceedingly unfitting that officers charged with the high and responsible duties of managing the diplomatic affairs of State, should be expected to daily try causes, and differ and dispute about such Private demands.

I have consented to, and followed this course, so far, to accommodate your Government for the present, and until you have the time and the assistance necessary to enable you to open regular courts, where my countrymen may bring actions, try the same, and obtain civil redress in the usual manner.

This labor, that I do gratuitously, that is so unpleasant in its nature, should be made by you as easy as possible: this is a simple act of justice, that I feel that I have a right to ask, for and expect.

Observe, if you please, the great difference that exists between your system and that of my Government, and its different results.

My people purchase of yours annually nearly the whole tea crop of Japan amounting to millions of pounds, also large quantities of silk, cabinet ware, bronze &c, and yet your people are surely ever defrauded of their just dues. The reason why this is so is because our judicial system is such that justice outstrips fraud, and evil doers are deterred from attempting to do wrong, by the knowledge that they cannot escape with their ill-got-ten gains.

Thus you will observe that it is the certainty of punishment and the speedy execution of our law that prevents wrongs.

Were the Consular Courts of the United States to be closed but for one month against Japanese creditors, and this fact become generally known amongst my people, I am of the opinion that evil disposed men would defraud your people out of millions of dollars worth of property.

Hence you will observe that if I should allow myself to be governed by passion or a desire to retaliate against you

for the non-fulfillment by you of that clause of your Treaty above quoted, the greater loss by far would be with you, for your people sell more property to mine than they purchase from them.

Such a thought as this, has never entered for one moment, into my mind, and has only been referred to here to show you what a disastrous result would follow such a course should I adopt it. When a Japanese creditor wishes to bring an action against an American creditor, he finds our Consular Courts always open and ready to receive his complaint. As soon as it is filed in the Court, the party complained against is summoned to answer to the demand; as soon as his answer is filed, the Japanese plaintiff is advised of its nature, and can have a copy of it if he desires; if the defendant admits that he owes the money, a judgement is at once entered against him, and his property is at once seized to satisfy the judgement. If he denies the demand, a day is set for the trial of the action; the plaintiff at once

advised and invited to be present with his witnesses. He knows from the answer of the defendants just which portions of his assertions in his complaints, are denied and which are admitted; he therefore knows that he will only be expected to prove those in dispute, and he is saved the necessity of bringing numerous witnesses. At the trial he hears what the defendants witnesses say, and has the privilege of asking them questions; thus truth is elicited, and justice done. May I not with propriety ask your high and Honorable body the adoption of some such rules, governing the conduct of this kind of business, in your Foreign office? I ask it with all due respect to your Excellencies Ministers for Foreign Affairs whose labors in the dispatch of this kind of business are most severe and continuous. I willingly accord to them all praise for their uniform courtesy, integrity and assiduity, but the system they are compelled to follow, whilst it unduly increases their labors as well as my own; subjects them, as well as myself to constant complaints made by people pressing for a settlement of their claims.

I have the honor to be
Your Excellencies most Obt. Svt
Sgd C. E. de Long

Acken - The instructions as to commercial Relations
is statutory. The despatches say Mr Delano communicated
to the proper committee in Congress -
Mr Prats letter requesting permission to demand Reparation

Ans^d Oct 17

United States Legation
Japan Sept. 4th 1871

No 239

DEPARTMENT OF STATE
OCT 16 1871
CORRESPONDENCE

FOREIGN Relations '71

From C. E. DeLong
Envoy Extraordinary and
Minister Plenipotentiary

Subject

Announcing the arrival of General Kapron and his assistants, comprising the Scientific Commission, also Lieuts, Musson, Dunwoodie, Haug, Jones and Poillon — Their situation and prospects

The views and opinions of the Japanese relative to this commission; its reception of them &c

No. 239. United States Legation

Yokohama Japan Sept 4th 1871

Sir.

I have the honor to advise you of the safe arrival in this Empire by the last Steamer, of General Capron, with his Staff - composing the Scientific Commission.

Also by the same Steamer, Lieutenants Wasson, Dunwoodie, Jones, Hoag and Porter, all in good health.

General Capron, Lieuts Dunwoodie, Wasson and others, produced to me your letters, as also those of Messrs. Davis, and other officers, and I did all in my power, and will continue to do all I can conveniently, for all these gentlemen.

I trust, however, you will bear in mind that one clause contained in the printed instructions furnished me, when I was appointed to this position, provides: "that I shall recommend no citizen of the United States for any position under the Government to which I am accredited"

This clause of my instructions I have always respected as strictly as all others, but in the matter

(8)

of these gentlemen, I have accepted the letters received, as a special licence, and I have gone far enough at least, to aid them somewhat.

General Capron and staff have been most cordially and honorably received; they have been already been called upon by most of the Government athamities, and from these officers, highest in power, and whose opinion I most value, I learn, that all are favourably impressed with the General and assistants.

I have been active in my operations to influence the Government, to give to this Commission, the widest possible range for its labors, and I feel sure, that in the highest degree, the Commission will prove a success, so complete, that it will most materially aid in stimulating the tide of good feeling now setting in so strongly in Japan, for our country and its people.

Mr. Enwakura, the new minister for Foreign Affairs, in our intirview yesterday spoke of the Commission with great pride and pleasure; as having been sent by the United States Government to Japan, that is, that the United States Government, out

(of)

of Kindness for Japan, had spared, and sent out of its high offices, this Commission, for which they felt greatly obliged, and wished me so to assure you.

The Commissioners are now temporarily quartered in the "Saiba Temples"; those Temples so noted as being the finest in Japan, and also as being the burial places of the Tycoons.

I called on the General there yesterday and found him surrounded with all comforts and conveniences, in high spirits and looking hopefully forward.

I rejoice in the arrival of this Commission; it will greatly aid my efforts here, I am sure, but what is still more desirable, it will cause our people to study more closely this country and its people, and the more quickly arouse them to the realization of the fact that Japan is a great nation, well deserving the most earnest efforts to be assisted in its march from the barbarism of the past centuries, to the high civilization to which it is now in some degree tending, and to achieve which, seems now to be the

(Controlling)

controlling passion of its statesmen.

I have the honor to be

Sir

Your most obedient Servant

C. E. De Long

Yokohama, Japan
Sept 4. 1871

C. E. De Long

No 239.

Enclosures three

Received

Arrival and departure of vessels of war and other

Mr Pratt
Aken & approve Except that
Encl 5 Mr Rutherfurd to claim me after I premised to be
made to the Dept and that Nakayama cannot
receive any [illegible] United States Legation
Jo Ans 20 Oct 17

Yokohama Japan Sept 4th 1871

No 240.

Hon W E Dr Long

Envoy Extraordinary and

Minister Plenipotentiary

Contents.

About my departure for Hakodadi to investigate
the charges preferred by W C Dunn against E
E Rice Esq; about the title of the lands
held by Mr Rice at that place and about
Enquiries into conduct of Mr Dunn whilst
he was Consul at that Port.

About my having appointed Mr C A
Longfellow as Secretary; my intention to
return overland and my reasons for not
having sooner attended to this matter

C O Shepard Esq appointed by me
as

as Charge des Affaires of this Legation

ad. interim

United States Legation

No 240. Yokohama Japan Sept 4th. 1871

Sir

I have the honor to inform you of my intention to leave here for Hakodade on the morning of the Sixth inst for Hakodade to investigate the charges preferred by Mr A C Dunn against C C Rice Esq Consul at that Port; to enquire into the title of the land held by Mr Rice at that place and also to enquire into the conduct of Mr A C Dunn whilst he was holding the office of US Consul at Hakodade pursuant to your instructions contained in your dispatch No 59. of the 17th of February last.

Hon Hamilton Fish
Secretary of State
Washington DC

I am

As excuse for not having vessel discharged from duty I beg leave to state that since the receipt of that instruction no vessels of war of our navy have been obtainable by me save the Pacific Mail S.S. Co at about the time I received that instruction discontinued its steamer service to that port and has but just removed it by the vessel that I now intend to proceed upon.

No other line of Steamers has been upon that route and only one or two vessels have gone up and they were not such as I was willing to travel upon nor such as I had sufficient notice of the departure of to prepare

I have appointed and shall take with me as Clerk or acting Secretary Mr C A Longfellow of Cambridge Massachusetts.

It is my intention to return by land

as

as the Steamer cannot wait for me and will not return again for a month.

In addition to this I consider it as being of great advantage to me as Representative Sent to see and know as much of this Empire and its people as possible and as the route I shall pursue on my return will be one almost if not entirely unknown and untravelled by white men before I shall improve this opportunity to possess myself of the information to be obtained by this trip. Lieuts. Jones and Poullon of the Army will accompany me for pleasure. Mr A L Dunn has announced his intention to procure them also and also Mr Hill as Attorney for Mr Rice. Dr Nyl Pisa Secretary of the Italian Legation may also join my party for pleasure.

That part of my journey made in land

I

I shall take the liberty of making in the
uniform of a Colonel of the U.S. Army for
the purpose of greater security and respect.
I trust this will not be considered as being
a violation of my instructions discussing
of censure.

In conclusion I beg leave to state
that I shall leave Mr C O Shepard as
Chargé des Affaires ad interim having
(Enclosure No 1)
1/ addressed him an appointment as such x
and notified the Japanese authorities
My Colleagues and the U.S. Consuls in
Japan of this appointment

I shall probably be absent about
six weeks.

I have the honor to be
Sir
Your most obedient Servant
C E De Long.

Inclosure

No. 1. Note to Lord Stanley appointing Hon. Charge des Affaires ad interim

U. S. Legation
Yokohama Japan
Sept 4. 1871

C. E DeLong.

No 240.

Enclosures one

Received

Appointment of
Co Shepard Charge
des affaires ad in-
terim & notice of
instruction to sets dek-

Enc 5 a B

Ackn

RECEIVED
OCT 16 1871
DEPARTMENT OF STATE

No 1. Yokohama, Japan, Sept 6. 1871

Mr. Shepard, Charge des affaires

Pro Tem Secy of State

Subject. Taking charge of Legation

Abstract of Contents.

Notice of taking charge of Legation, also encloses copies of letters to Foreign Representatives and U. S. Consuls and copy of Notice published upon same subject.

Encl 5 a B

Acknd

No 1. Yokohama, Japan, Sept 6. 1871

Mr. Shepard, Charge des Affaires

To Hon Secy of State

Subject. Taking charge of Legation

Abstract of Contents.

Notice of taking charge of Legation, also encloses copies of letters to Foreign Representatives and U. S. Consuls and copy of Notice published upon same subject.

No 1.

U. S. Legation
Yokohama, Japan, Sept 6. 1871

Hon. Hamilton Fish
Secretary of State
Washington

Sir.

I have the honor to in-
form you that in accor-
dance with instructions
from His Ex. Mr. DeLong, U.
S. Envoy Extraordinary and
Minister Plenipotentiary, dated
the 4th instant, I have this
day assumed the duties of
Charge des affaires, ad inter-
im of the United States in
Japan. By his direction I

1/ I hand you, (Enclosure No1.) copy of letter addressed to each of the Foreign Repre-
1/2 sentatives, (Enclosure No. 2.) copy of letter sent each of the U. S Consuls in Japan,
1/3 and (Enclosure No. 3.) copy of notification published to American citizens.

I am, Sir

Your obt servant.

C. A. Shepard

U. S. Consul at Yedo

Acting for Kanagawa

Enclosures

No 1. Letter to Foreign Representatives

" 2 Letter to U. S. Consuls

" 3 Notification Published

(Colony)

No 50

United States Legation
Yokohama, Japan, Sept 4. 1871

Sir

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan has the honor to inform you that during his absence to Hakodadi and the interior of Japan, that Co Shepard Esq U. S Consul for Yedo will, as charge des affaires, transact such official business for this Legation as may be required to be transacted prior to the return of the undersigned, his appointment as such having been directly authorized by the Government at Washington.

The undersigned prays you to accord our Shepard as accredited in this capacity

and he improves this oppor-
tunity to renew to you his
assurances of his high con-
sideration

Signed C E Dresong

His Ex Maxime Outrey
Envoy Extraordinary &
Minister Plenipotentiary
of France in Japan

(Colony)

No 56. United States Legation
Yokohama, Japan
September 4, 1871

Sir

Under instructions from our Government I have appointed Co Shepard Esq as Chargé des affaires, ad interim to conduct the business of this Legation during my absence at Hakodadi and the interior of Japan whither I shall proceed on the 6th inst.

You will please communicate with him as such.

Yours very truly
Signed C E DeLong

Hon E Rice Esq
acting U S Vice Consul
Yedo.

Enclosure

U.S. Legation
Yokohama, Japan.

With Des No 1.

Enclosures No 3.

Copy of letter addressed to US Consular Officers

No 2

September 4. 1871

NOTIFICATION.

U. S. LEGATION, Yokohama, Japan,
September 4th, 1871.

AMERICAN CITIZENS in Japan are notified that on the 6th inst., I shall leave for Hakodate for the transaction of certain business, and shall probably be absent for several weeks.

I have appointed C. O. SHEPARD, ESQ., Chargé des Affaires, and notified his appointment to the proper Authorities, empowering him to transact all such business as may come before this Legation at this place, during my absence.

C. E. DE LONG,
Envoy Extraordinary and Minister Plenipotentiary of the U.S. of America in Japan.

Enclosures

US Legation
Yokohama, Japan

With Des No 1.

Enclosures 3.

Copy of Notification published

Enclosure No 3.

Sept 4. 1871

No 60.

DEPARTMENT OF STATE RECEIVED OCT 16 1871

United States Legation
Yokohama, Japan, Sept 4. 1871

Sir

Contemplating leaving here on the 6th inst. for Hakodadi to examine into the charges preferred against E E Rice Esq and A C Dunn Esq I have under instructions from the Department of State appointed you as Chargé des affaires, ad interim empowered and authorized as such to transact all business that may properly come before this Legation for attention and discharge during my absence.

I have also to advise you that I have addressed all my colleagues, the Foreign Representatives and all U.S. Consular officers in this Empire, notes advising them of this action on my part

and requested them to re-
ceive you accordingly. I
have also personally advised
their Excellencies the Ministers
of Foreign affairs thereof and
obtained their approuvees of re-
ceiving you, and by dis-
patch of this date advise the
State Department thereof.

I have the honor Sir to be
your obt servant
Signed C E DeLong

Co Shepard Esq
US Consul for Yedo
Acting for Kanagawa Japan

Ent 8 Oct 12.

acdm Asked 23 Oct

RECEIVED OCT 16 1871 DEPT OF STATE

Mr. Pratt

U. S. Legation

Yokohama, Sept 8, 1871

Mr. Shepard, In charge

To Dept of State.

Subject Mint regulations

Abstract of Contents

Encloses copy of additional Mint regulations and notification published

No. 2.

U. S. Legation
Yokohama, Japan, Sept 8. 1871

Hon. Hamilton Fish
Secretary of State
Washington D.C.

Sir:

Herewith I hand you (Enclosure No 1.), additional Regulations and notification concerning the new Japanese currency, as communicated to this Legation by H. I. J. M's Ministers for Foreign affairs and published by me for the information of citizens of the United States.

resident in Japan.

I am, Sir,

Your obt servant

C. E. Shepard

In charge of Legation.

Enclosure

No 1. Copy of additional Rules regulations and notification.

LEGATION OF THE UNITED STATES OF AMERICA.

YOKOHAMA, JAPAN, *Sept. 6th*, 1871.

FOR the information and guidance of United States Citizens resident in Japan, the following communication and notification is published.

CHARLES O. SHEPARD,
U. S. Consul and Chargé des Affaires (ad interim) of the United States in Japan.

(Translation.)

TOKEI, *the 20th of the 7th month, 4th year Meiji.*

YOUR EXCELLENCY,

In reference to the new coinage recently issued by the Japanese Government, we had the honour to communicate with your Excellency on the 10th of the 5th month last (June 27th, 1871) enclosing tables showing the fineness, weight, standard, and legal tender, together with the Mint regulations and supplement, as first agreed upon between yourself, your colleagues, and ourselves.

The Mint having already commenced operations we have determined as to the comparative rates of the old and new coinage—that is, two hundred Niboos or one hundred Rios will be equivalent to one hundred gold *yen*. Fully considering the contents of our despatch sent you on the 29th day of 10th month, 3rd year Meiji (November 22nd, 1870,) and in accordance with the said comparative rate, the gold *yen* will hereafter be received in payment for import and export duties, &c., at the open ports. The itziboo will be received as heretofore at the rate of Three hundred eleven Boos per One hundred Mexican Dollars.

We request your Excellency to thus notify American Citizens resident in Japan.

With respect and consideration,

(Sd.) IWAKURA TOMOMI.
" TERASHIMA MUNENORI.
H. I. J. M's Ministers for Foreign Affairs.

To His Excellency
C. E. DE LONG,
Envoy Extraordinary and Minister Plenipotentiary for the United States of America in Japan.

U.S. Legation
Yokohama, Japan

With Des No 2.

Enclosures 1.

Copy of additional
Mint regulations
& modification

Enclosure No 1

Sept 6. 1871

Ans Rec'd 24 Oct

No 3. U. S. Legation

Kanagawa Japan Sept 20 1871

DEPARTMENT OF STATE RECEIVED OCT 24 1871

Mr Shepard to Department of State

Subject Japanese Currency

Abstract of Contents

Commending ratification concerning Japanese currency.

No 3. United States Legation

Kanagawa Japan Sept: 2d: 1871.

Sir.

Herewith I transmit you (Enclosure No 1.) amendatory notification concerning Japanese currency, giving the comparative rates at which the old and new coins will be received, and for what length of time,

I am Sir

Your Obdt Servt

Charles A. Shufeldt

In charge of Legation

Hon Hamilton Fish

Secty of State

Washington. D.C.

Enclosure"

No 1. Amendatory notification

Yokohama Japan
Sept 20. 1871

C. A. Shepard

No 3

one enclosure

Received

amending modification

NOTIFICATION.

LEGATION OF THE UNITED STATES,
Yokohama, Sept. 16, 1871.

REFERRING to a notification from this Legation, of the 6th instant, concerning the comparative value of the old and new coins issued by the Japanese Government, and the rate at which they would be received,—

I desire further to inform United States Citizens resident in Japan, that the subjoined amendatory arrangement has been entered into between the Japanese Ministers and Foreign Representatives.

CHARLES O. SHEPARD,
In charge of Legation.

"Up to the 31st December inclusive "*Nibookin* and the *Shosha* paper "money representing *niboo-kin* will "continue to be received in payment of "import and export duties and other "taxes, as heretofore, at the rate of "one *niboo-kin* for two silver *itchiboos*."

"From and after January 1st, 1872, "the said paper money will not be re- "ceived at all, and the *niboo-kin* will be "received at the rate of 202 for 311 "silver *itchiboos*."

United States Legation
Kanagawa Japan

With despatch No 3

Amendatory notifications

No. 1

Sept 16" 1871

No 4 Recd 24 Oct. U. S. Legation

Yokohama Japan Sept 20th 1871

Mr Shepard to Department of State

Subject "Extracts

Abstract of Contents

containing extracts from His Ex Mr De Long

Letter from Hakodadi

No 4. United States Legation

Kanagawa Japan Sept 20th 1871.

Sir.

By the P. M. S. S. "Ariel" from Hakodadi. I am in receipt of a letter from His Ex Mr De Long of which the accompanying (Enclosure No 1.) is an extract.

I respectfully forward it for your information.

I am Sir

Your Obdt Servt

Charles O. Shepard

In charge of Legation

Hon Hamilton Fish

Secty of State

Washington D.C.

Enclosure

No 1. Extract Ministers letter

Yokohama Japan Sept 20 1871

C. O. Shepard

No 4

one enclosure

Received

Containing letter extracts

"Extract"

x x x x x x x x x x x x x x x x x x x x

Immediately upon my arrival here I opened my Court of Enquiry on board of this Ship and I have constantly held Court ever since only omitting Sunday. meeting at 9 in the morning and continuing until 10 & 11 o' clock at night. and still I am not through. I have still some enquiries to pursue on shore with the native authorities to satisfy my mind about this land matter between them & Mr Rice.

I shall make an excursion into this Island probably to the Capital and trust to be back here about the time the Ariel again arrives - then if the nature of the news I receive. demands it I can come home by Suez; and if not will carry out my original intention and come home overland.

From reports I learn that the

Yokohama Japan Sept 20/61

interior of Yesso is most interesting whilst the journey is without the slightest reason for apprehending any danger. there being but very few Japanese in the interior and the Ainos being very friendly

I will not give you a single idea about my impressions relative to this case as by chance the letter might fall into strange hands, and as the evidence is not yet through my impressions now may not agree with my final convictions.

Order copy system to accompany Treat. Maps. (N° 270½) attended to
Mr Pratt

Ent

Legation Yokohama

Japan. October 2d 1871

DEPARTMENT OF STATE
RECEIVED
NOV
25
1871

N° 241.

From Chas De Long

Envoy Extraordinary and

Minister Plenipotentiary

FOREIGN Relations '71

Contents

Urgent recommendations relative to a Secretary and Interpreter for this Legation.

Mr. Nathan B Rice to accompany me to Yeddo to act as Interpreter on trial

No 241 U.S. Legation Hakodadi

Japan October 8th 1871

Sir.

In view of the near meeting of Congress, of the increasing duties of my office and of the present position of this Legation I beg leave with due respect to urge again upon your attention and that of the President the necessity for some reform in legislation affecting my office.

In a few months the treaty between the United States and Japan are to be revised, this will add greatly to the labors of my office as constant conference with my Colleagues and with the Japanese Authorities must ensue, to keep you well advised of these proceedings an immense amount of writing will have to be done. In addition to this the judicial business of my Legation remains monthly there being now in my Court some half dozen cases on my Trial Calendar some of them involving

How Hamilton Fish my

Secretary of State

large amounts and necessitating long trials

These considerations make it almost a necessity that I should be allowed a Secretary of Legation.

That I need an Interpreter is of course known, for otherwise I am at the mercy of those I deal with or dependent on the charity of my colleagues.

That it is impossible to get a competent person to act as both Secretary and Interpreter for a salary of twenty five thousand dollars per year is a fact that my efforts for the last year fully attest.

What I ask for my country is a Secretary at a salary of three thousand dollars and an Interpreter at a similar salary. If this cannot be allowed. let the office be made that of Secretary and Interpreter at a salary of say five thousand dollars per annum.

This latter course would be better than nothing but still not what is needed. for my Interpreter cannot well fill both offices. He cannot carry on a conversation and write at the same time neither

C

can I find any person then whom
I could recommend as an Interpreter
whom I would also be willing to
recommend as Secretary who would
accept the position.

The Secretary I submit should be a
Commissioned officer competent
to take charge of a Legation in case of
a Ministers absence or death, and
also competent by his counsel and advice
to assist his Chief and aid in the
transaction of business.

An Interpreter on the contrary need
not be a man of any commanding
ability or of great qualifications but
need only be conversant with the language
but should at the same time as I think
be immediately subject to the Minister
liable to removal by him at once if
found.

found abusing his position or plotting with others for gain.

~~Hoping~~ I hope that this request of mine may find favor and be recommended to Congress.

I shall take Mr Nathan C Rice with me as Interpreter and give him a treat. If I find that he is sufficiently conversant with the language and he is desirous to serve for the salary allowed after that I will so advise you.

I hope that I may be allowed by Congress to draw for the undrawn appropriations for the last year for this office of interpreter to pay Dr Hepburn for the time he served and also to pay Mr Rice for such services in this capacity as he may

may render.

I have the Honour to be

Sir

Your most obedient Servant

C C De Long

Orders - John Hart Hanna appointed Consul
Nov 3/71

Mr Pratt.

Wash.

United States Legation

Hakodadi Japan Oct 8th 1871

No 242.

Sir.

E E De Long

Envoy Extraordinary and

Minister Plenipotentiary

DEPARTMENT OF STATE
RECEIVED
NOV 25 1871

Contents.

E E Rice having left this Port for the United States and Mr Nathan E Rice having resigned as Vice Consul Mr George E Rice has been nominated acting Vice Consul Gen and his commission approved by me.

I recommend that Mr E E Rice's resignation as Consul for this port if tendered by him be accepted and the appointment as Consul for Hakodadi of Mr George E Rice be made.

No 242. Legation Hakodadi

Japan October 8th 1871

Sir.

Mr E E Rice Consul for this port having notified me officially of his intention to leave for Washington by the next mail, having applied for a leave of absence to do so. I have approved of his application not feeling authorized to do more.

Mr Nathan E Rice has also by this mail forwarded his resignation of the office of Vice Consul for this Port: with a view of acting as Interpreter for my Legation.

Mr E E Rice having advised me of his intention to resume this office and to tender his resignation of this position as soon as he reaches Washington I directed Mr George E Rice to come here and take charge as Acting Vice Consul.

He arrived by the last Steamer and

Hon Hamilton Fish Secretary of State, Washington D C

Mr

Mr E E Rice having nominated him to act as Vice Consul I have approved of this nomination.

I feel it to be my duty to advise you that in my opinion the ability of Mr E E Rice to serve our government-here as Consul any longer with success has been seriously impaired, and I would recommend that his resignation when tendered be accepted.

To our Government it can make no practical difference whether such a result is the fault of an incumbent or of others who are allied against him, that such is the fact I consider ~~[illegible]~~ is only necessary to be known to warrant me in giving such advice

Should this course be pursued I beg leave further to most respectfully recommend that Mr George E Rice be appointed Consul. He is a gentleman for whose intelligence integrity and good moral character I most fully vouch.

He has no enemies here and is acceptable to the native authorities and all classes of foreigners; he will

understands the duties of the office
that he is called to fill and has a
fair knowledge of the Japanese
language.

This Port is a very important one
very far distant from any Legation and
when I feel that I need a Consular
officer that I can rely upon in all
Emergencies.

Such a gentleman is Mr George
C Hall and I sincerely trust to be
saved from having some new and
inexperienced man appointed to
fill this position,

Trusting to your kind approval
of my course in this matter and hoping
that you will excuse my possibly too
great earnestness in making this
recommendation

I have the Honor to be
Sir
Your Most obedient Servant-
C E De Long

Ent Ack Nov 25

Ackd

Mr Pratt.

Legation of Hakodadi

Japan October 8th 1871

No 242.

Hon. B. F. De Long

Envoy Extraordinary and

Minister Plenipotentiary.

Contents.

Have concluded my examinations at this place into the affairs of this consulate. Have opened the Examinations to obtain further proofs in Yokohama.

Have made a tour in Yezo of a few days and on the 11th inst will cross to Nippon and proceed to Hodo by land.

Some particulars about Yezo; its manners &c. Courtesy of the Russian Consul here.

DEPARTMENT RECEIVED NOV 25 1871 OF STATE

No 243. United States Legation
Hakodadi Japan
October 8th 1871

Sir.

I have the honor to inform you that not being able to conclude my Examination into the affairs of this Consulate and the question of Lands thereto prior to the return of the Steamer Ami, and there being no other mode of conveyance back to Yokohama accessible to me, I Continued the Examination until I obtained all possible evidence here and upon the Same to Yokohama when both parties desire to introduce any more testimony which I will take immediately upon my return to that point and forthwith forward the whole record to you.

After concluding the Examination I was induced to make a short tour in this Island prior to the return of the Steamer. I did so being about 7 months days

Hon Hamilton Fish
Secretary of State
Washington D.C.

days with a sledge I proceeded up the East Coast and returned down the west crossing the Island from town visiting its Capital Sattoporo and having the honor to carry and plant our flag in it the first of any foreign flag.

The Authorities kindly furnished me with a guard and so arranged for my tour that I was shown most perfect respect and attended every possible Courtesy and convenience all of the way. — I found the Island to be but sparsely inhabited by Japanese the habitations outside of Hakodadi Mats mai and Satto poro being mainly confined to fishing villages along the Coasts —

The interior is inhabited by a strange and most interesting race of people called "Ainos" which name signifies "Hairy men". They live as our Indians do by hunting and fishing mainly but unlike our savages they appear to be industrious and civil. The Island abounds in all kinds of game and the Rivers and Coasts are alive with fish therefore with the

them tastes they have but slight inducements to labor.

As a class they appear to be intellectual and civil. Murder is said to be a crime unknown amongst them

They have beards and mustaches which they wear full length and never cut or shave except as a punishment for Crime.

Many of them have hair all over their persons even on their shoulders and the fleshy parts of their thighs very thick and heavy but many of them seem to be but little more hairy on their bodies than ordinary people. I believe them to be susceptible of a high degree of moral and intellectual improvement.

The Japanese authorities admit now that these people originally inhabited all of the Islands now included under the government of this Empire and for a long time stoutly contested the supremacy with the Japanese.

The Island of Yeso seems to be stored with, that character of wealth so much sought by the Japanese Government. It is covered with dense

dense forests of Hard timber such as Ash
Oak. Maple, Beech. Birch &c . It is
magnificently watered by numberless beautiful
small streams and three very large Rivers filled
at this season with the finest of Salmon
trout and other fish. Bear. Deer. Partridges
Quail. Duck. Pheasants &c abound.

On the Coast the Herring. Cod. Sardines &
Smelt fisheries are in fact wonderful.

At one place Gobuts on the Atlantic
sea board I witnessed one nett Hauled and
myself and Companions counted. one
hundred baskets of Sardines. Smelts &c
brought in and each basket in our opinions
would hold about two thirds of a bushel.
This was inclusive only of such fish as came
in; in the bag of the nett all others were left
to the poor of the village the dogs and the
crows; a rule to this effect prevailing amongst
these people. In going down the Iscari
River which empties into the Sea of Japan
I witnessed several Hauls of Salmon netts
averaging at each catch about forty fish
that would weigh on an average perhaps
~~of~~ twenty five pounds. — Sattsporo

the

the present Capital of Yezo I found to be a
new City just carved out of the woods having
a population including Coolies of about
thirty five thousand people. A canal has
been constructed connecting it with the
Ishikari River above its junction with the
Ishikari. — The Streets are laid out broad
and in European style and the lots made
large so as to give each resident room for
a reasonable size garden.

The acting Governor and Vice Governor
then vied with each other to extend to my
Companions and myself all possible attentions
and as soon as they found that I had some
ideas of agriculture horticulture and
Mining they were eager to show me the
resources of the country and to gain from
me all possible information.

I advised them to the best of my ability on
subjects of this nature and they caused them
selves to bring in for my own assessments
of vegetables raised there this year. This
included samples of all our common
garden vegetables and also they produced
a fine sample of raw silk and cards of

silk

Silk worms Eggs. - They were very anxious to have me accompany them to mines of gold and silver that they claimed to have on some of the ajacent mountains but I did not feel authorized to remain away long enough for this purpose but I gave them all the information I could about the mode of working different kinds of mines. And showed them Miners and Carpenters how to construct Sluices for River or Creek Mining, How to use quicksilver for catching free metal and how to retort the Amalgam without losing the quicksilver

It is to be hoped that Professor Antisell and Mr Warfield have already gone and when Lieutenant General Capeman and his Assistants will soon follow.

I predict for those gentlemen a success that shall bring to them a lasting reward of honor and one of benefit to this Government.

I saw three volcanoes each emitting some smoke and steam and climbed to the crater of one which I found to be in the form of a circle and nearly a mile

mile in diameter.

Upon my arrival here I met my mail just in by the Ariel. By this I was informed that you did not approve my presence in Washington, that all was quiet at Yedo and the affairs of my Legation being conducted to my perfect satisfaction by Mr Shepard. This has emboldened me to pursue my journey to Yedo by land which will occupy only about ten days more than it would do for me to wait and return by the Ariel which is my only other opportunity.

By doing this I shall explore that part of Nipon so little known about by foreigners and which with my tour in this Island and on former occasions in the South of Japan will make me more travelled in Japan than any other foreigner.

My object in this is not simply pleasure or curiosity. I believe it will enable me to better fill the post I occupy by more fully informing me of the character and capacity of the people I have to deal with. In this view I humbly trust that I

may

may have your concurrence.

I have already learned that the general opinion that Japan is an over crowded county is entirely erroneous. It can sustain with ease double its present population; and in beauty of soil and climate it is unsurpassed therefore no danger of a Coolie exodus to the United States from Japan need ever be feared.

Since my arrival here the Russian Consul has kindly tendered me a passage across the straits to Nipon on the Russian Gun Boat Stolbet which will receive me and my companions on the morning of the 11th inst. to take me to Awamoori; thus saving me the danger of a voyage of some sixty miles through dangerous straits in a Japanese Junk.

This act of great politeness is but one of a great number that I have been favored with by the authorities of Russia in Japan

If at all permissable I would like to have my deep gratitude made known in St Petersburgh.

I have been accompanied on my tour in Yezo by Messrs H A Longfellow son of Professor Longfellow of Cambridge. J H Jones

Jones Esq USA. R H Pollon USA
Mr Nathan Rice former Vice Consul Genl.
and Mr Ngo Pua Secretary of the Italian
Legation in Japan. The same gentlemen
will accompany me to Yedo and also
a Mr Blackiston an Englishman.

This ends our manufactory account
of my travels which I have no time to
revise or correct. I beg to submit to you
in hopes that it will not prove
Entirely unsatisfactory or uninteresting
although perhaps somewhat outside of
ordinary diplomatic intercourse

I have the honor to be

Sir

Your most obedient Servant

C E De Long

Wright

United States Legation

No 5. Yokohama Japan Oct 17th 1871.

From.

DEPARTMENT RECEIVED NOV 25 1871 OF STATE

C. O. Shepard In charge of Legation

To Dept of State

Contents

Rec'd despatches from Nos 94 to 101

No 5. United States Legation

Yokohama Oct 17th 1871.

Hon. J. C. B. Davis.

Asst Secy of State

Washington D.C.

Sir.

I have the honor to acknowledge receipt of despatches Nos 96 to 101 inclusive.

I have the honor Sir to be

Your Obdt Servt

Charles A. Shufeldt

In Charge of Legation

Mr Beaman
Inspector's opinion
Nov 25

Ackd 19th Dec Mr Batt & Mr Beaman

DEPARTMENT
RECEIVED
NOV
25
1871
OF STATE

No. 6 U. S. Legation, Yokohama, Oct 21, 1871

Mr. Shepard, In charge of Legation

To Department of State.

Subject. Issuance of an order staying an order issued by Consul Mangum.

Abstract of Contents.

Encloses a copy of the order and asks the approval of the Department.

Begin

No. 6 United States Legation
Kanagawa, Japan, Oct 21, 1871

Hon. Hamilton Fish
Secretary of State
Washington

Sir

Enclosed I have the hon-
or to hand you an order issued
by me which so fully explains
itself that I shall add but
little.

With the matter in dis-
pute between Mr Sake and
Consul Maugum, the Depart-
ment is entirely conversant,
and as, from an opinion of
the Law-Officer of the State
Department, I had reason to
believe a speedy trial would
be reached; and, as to my
mind, it would be quite
against the spirit and prin-
ciples of our government to
deprive a citizen of his #

right of appeal; and, as what-
ever action was taken must
be immediate, before I could
communicate with Mr. DeSoug,
& issued the order, which may
be less regular and legal, than
equitable. As "Chargé des
Affaires," I hardly know #
how I stand, but fully in
my action only a desire
to do justly, & hope for your
approval.

If this action be an
error, I trust it will be #
formed upon the side of right
and mercy.

I have the honor to be,
Sir,
Your most obt servant,
Charles A. Dunham
In charge of Legation.

No 83 United States Legation

Yokohama Japan Sept 26" 1871.

W. P. Mangum Esq.

U. S. Consul

Nagasaki.

Sir.

Whereas it appears to me by the affidavit of Geo. W. Hill. Atty for G. W. Soare an American Citizen that an order and notice has been issued by yourself at Nagasaki to the effect that said G. W. Soare has lost his right of permanent residence in Japan, and is required to leave the country on or before the 7" day of Oct proximo, and

Whereas it further appears that the said G. W. Soare has several actions pending in the Ministerial Court of the U.S. in Japan in which he is the plaintiff. and

Whereas it further appears that said actions could not heretofore be brought to trial owing to delays not the fault of the said Soare - and.

Whereas it further appears that the personal presence of said Soare is necessary to said actions. and

Whereas the said plaintiff represents that said actions can be brought to a speedy trial, and

Whereas the said plaintiff prays that the foregoing described order and notice be provisionally

suspended

suspended and the time he is permitted to stay in this Empire extended a sufficient length of time to allow of his prosecuting said actions.

Now therefore, because of said affidavit, and its showings and because of certain documents received from the Dept of State bearing upon this case, it is directed that the orders heretofore mentioned, issued by yourself be, and it hereby is, stayed in its effect and execution until further orders from this Legation.

Of which please take notice and govern yourself accordingly.

I am Sir
Your Obdt Servt
Fred C. A. Shepard
In charge of Legation

(A copy of the above order was issued to all U. S. Consuls in Japan.)

End

//

To Mr Pratt

See Press copy 19th Dec, to all Mr DeLong

To Mr. De Long.

Acknowledge receipt of Mr Chesbrough's No 9. and say.

As the Japanese authorities have requested that Mr. F.W. Lake be sent out of the country as soon as the complaint of one Lake against him has been investigated and justice done. In accordance with the provisions of the seventh article of the treaty between Japan and the United States this requirement must be complied with. but as by the terms of the same article the time at which he must leave may be extended not to exceed one year to be calculated from the time he shall be found to attend to his affairs and as it has not yet been shown to me that the complaint of one Lake has been investigated and justice done. I do not consider that Mr Chesbrough's notice of the order is made by Mr.

Washington D.C. Yokohama Sept 25th 1871

[illegible] business orders from you
pleasing to forward the orders made by W.
P Morgan. U.S. Consul at Nagasaki
to the effect that persons and property
must leave Japan on or before the 30th
day of October last.

Ent Acted 19th Dec

Mr Piatt.

DEPARTMENT OF STATE RECEIVED DEC 14 1871

No 9. U. S. Legation

Yokohama. Japan Oct 2nd 1871.

Mr C. O. Shepard to Dept of State.

Abstract of Contents

Received despatches Nos 102 to 110 inclusive

No 7. United States Legation
Yokohama Japan Oct 27th 1871.

Hon Hamilton Fish.
Secy of State
Washington D.C.

Sir.

I have the honor to acknowledge receipt of Despatches Nos 102 to 110 inclusive, together with Letters of Credit accompanying Nos 105 and 108.

I have the honor to be
Sir
Your most Obdt Servt
Charles A. Dunham
In Charge of Legation

adv Jap & ack'

Mr Pratt

Ex

United States Legation

Yokohama Japan Nov 8th 1871

DEPARTMENT OF STATE
RECEIVED
DEC 27 1871

No 244

Gen

C C Lord Esq

Envoy Extraordinary &c

Contents.

Report of my proceedings taken under the instructions contained in Genl No 110 relative to Bluff Lot No 97, in Yokohama.

No 244 United States Legation

Yokohama Japan Nov 8th 1871

Sir.

Sir. acknowledgment of the receipt of your dispatch No 110. of date the 21st of Sept 1871. I have the honor to advise you that on day before yesterday immediately upon its receipt by me I addressed a Note to the Japanese Minister for Foreign Affairs (Enclosure No 1) advising him as instructed by you that the United States Government made no claim to the premises now occupied by Mr A L C Portman in this City (Bluff) Lot No 97) nor to any lease or other conveyance of the same.

1/ 244

Hon Hamilton Fish
Secretary of State
Washington DC

I have the honor to be
Your obedient servant

Following your personal advice I went
further and requested the Ministers to instruct
their local authorities to accept the back
rents due on the premises from Mr Portman
and make a conveyance direct to them
thus quieting their title. I have no
doubt but what these authorities will at
once do as I have requested.

On the same date I addressed Mr
Portman a Note (Enclosure No 2) advising
him of my action, enclosing him a copy
of the Note that I had sent to the Ministers
and offering to give him the benefit of
any further assistance if desired

2/244

To this I received a reply from Mr
Portman of this date (Enclosure No 3) in
which he thanks me for my action.

3/244

I trust that this action accords with
your wishes as it certainly does with

my

My own.

I cannot understand why the Attachment was sent with My Despatch No 218. as it is therein alluded to as Enclosure No 1. I now send a copy of it herewith (Enclosure No 4) 4/244 and also a Copy of the Commitment (Enclosure No 5.) 5/244

I beg to assure you that nothing in nature shall be left undone by me to restore friendly personal relations with Mr Portman as I have always duly appreciated our estrangement.

I have the honor to remain

Sir

Your most obedient Servant

(Signed) E. H. Long.

List of Enclosures.

No 1 — Note to Japanese Minister

No 2. Note to Mr A. L. C. Portman

No

No 3. Reply of Mr A L C Portman

No 4. Writ of Attachment

No 5. Writ of Commitment

Returned 8th Oct. 1871	
C Cadell Esq	
No 244	
Fwd Exhibits	
Recvd	
Report of proceedings taken under instructions contained in Govt Notn No 110 dated 4 Sept 1871	

(Copy) No 40. U.S. Legation Yokohama
Japan November 6th 1871

Hon Excellencies
The Ministers for Foreign Affairs
&c &c &c

Your Excellencies.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan has the honor to inform you that the United States Government has never claimed Bluff Lot No (97) nearly Seven in Yokohama and now disclaims any occupation of or right of occupation in the property or interest in the lease or any other form of conveyance thereof. It has no interest in any improvements which have been made thereon and disclaims any right or desire to interfere with any measures to be taken by your Governmental & Authorities to secure possession of said premises. Further the undersigned begs leave to express to Your Excellencies his earnest desire that you will direct your local authorities at Yokohama to accept

your

from Mr A L B Portman the rents now due for the past occupation of said premises and execute to him a lease or other conveyance therefor as he may desire in his own name.

To the undersigned has understood that Mr Portman has at all times been willing to settle the accounts for back rent for the premises if your authorities would execute to him a new lease therefor; and that your authorities have been quite willing to procure such course if there was no objection made by the U S Government it is hoped that you will now as ~~soon as~~ no such objections are made at once adopt this course accept your rent and quiet Mr Portmans title by legalizing his possession

With respect & consideration

C C De Long

Enclosure
Delegation Japan

Rec'd despatch No 244

Note to Japanese Ministers disclaiming on Mr Portman's behalf the Government any claim of ownership or right of possession to Bluff Lot No 9 in Yokohama & requesting conveyance thereof to be made to Mr Portman

No 1

November 6 th 1871

(Copy) Yokohama November
8th 1871

Sir.

I had the honor this morning to receive your letter of the 6th instant covering copy of a dispatch you have addressed to the Japanese Minister for Foreign Affairs relative to Bluff Lot No (97) Ninety Seven.

And I beg to tender you my thanks for the action now taken in that matter

I have the honor to be
Sir Very Respectfully
Your Most Obedient Servant
A L C Portman

The Honorable C C Dr Long
Envoy Extraordinary and Minister Plenipotentiary
of the United States in Japan

Inclosure

US Legation Japan

With dispatch No 244

Note from Mr Ca
L C Partman thanking
Mr for my action

No 3.

Dated Nov 8th 1871

(Copy) No 96

U.S. Legation Yokohama

November 6th 1871

Sir.

I beg leave to submit for your information a copy of a Note that I have this day addressed and transmitted to the Minister for Foreign affairs of this Empire having reference to Lot No (97) Ninety Seven on the Bluff at Yokohama now in your possession (Enclosure No 1) And at the same time to assure you that I shall be happy at any time to give you the benefit of my influence to any further extent in aid of your efforts to obtain a good title to those premises

I have the honor to be

Sir

Your most obedt Servt

C. E. DeLong

A L C Portman Esq

Yokohama Japan

U.S. Legation Japan

With dispatch No 244

Note to Mr Portman advising him of my action relative to Lot No 97. & Enclosing a copy of my Note to the Ministers

No 2

Dated Nov 6th 1871

(Copy) Attachment

Legation Yokohama

Japan December 5th 1870

To H. W. Denison

Marshal for Japan Greeting

You are hereby commanded forthwith to arrest and bring before me A. L. C. Portman Esq charged with having committed a Contempt of the process of this Legation in refusing to obey an order commanding him to deliver certain documents and papers particularly a certain Title Deed for Bluff Lot No 97. in Yokohama. To show cause if any he can why he should not be punished for Contempt and why he should not be committed to jail for such contempt until he purge himself thereof by delivering up said Deed as hereinafter directed pursuant to Section 209 of the Consular Court Regulations in force in this jurisdiction Herein fail not

and

and return this Writ & this Legation with your proceedings endorsed thereon in writing

Done at the Legation of the United States of America in Japan this Third day of December A.D. 1870

C. E. De Long

Seal of Legation

Minister Resident

Marshal's Return.

I hereby certify that I received the within warrant on the 3rd day of December 1870 and served the said Warrant by arresting the within named C. L. & Portman and bringing him before H.E. the Hon C. E. De Long Env. Ext. and M.P. of the U.S. this 5th day of January 1871

G/C

H. W. Dimmick

U.S. Marshal

by J. White

Dep'ty U.S. Marshal

US Legation in Japan

With dispatch No 244

Writ of Attachment—

No 4

Dated Dec 5th 1870

(Copy) United States Legation

Yokohama Japan June 27th 1871

Ministerial Court.

In the matter of A L C Portman Esq
prosecuted against for Contempt of this Court.

To H W Denison Esq U S Marshal
Greeting.

A L C Portman Esq having been
prosecuted against for a Contempt of this
Court in having withheld certain Title
Deeds and papers the property of this
Legation after having been commanded to
deliver the same to this Court and he still
withholding the same admitting at the
same time that he has and holds said
papers in his possession. It is therefore ordered
and directed that he the said A L C Portman
be and he is hereby committed to your charge
and custody to be kept in confinement by
you until such time as he shall purge
himself from said Contempt by making due
delivery to this Court of the said papers Deeds
of Lease of the premises when he was made
presented by the Japanese Authorities in
favor of the United States Government and

of

of a certain other instrument assigning the said Lease to him the said A. L. Portman or until further otherwise directed herein by this Court.

Herof fail not but make immediate Service and due return of this Writ—

Given under my Hand and the Seal of this Legation this day and date first above written

E. E. de Long

Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan.

Enclosure
No 1 Legation Japan

Writ dispatch No 244

Ret- of Commitment

No 5.

Dated June 2nd 1871

Mr Braman to examine previous correspondence & confer with Seward

Jay 4

Mr Pratt
to
Mr Braman

United States Legation

Yokohama Japan Nov. 8th 1871.

DEPARTMENT OF STATE
RECEIVED
DEC
27
1871

No. 245

From C. E. De Long

Envoy Extraordinary &c

Contents.

Reply to despatch No 108 relative to according American protection to firms and copartnerships composed of individuals citizens and subjects of different Powers.

No. 245. U.S. Legation Yokohama Japan.

November 8th 1871.

Sir:

Acknowledging the receipt of your despatch No 108 of September 17. 1871. I beg leave to assure you that I have perused it with the greatest care and attention, with a desire to correctly understand your ideas that I might execute them. But inasmuch as it closes without specifically directing what shall be done, and as this subject is one of very great interest, I have resolved before taking any steps under it to once more address you upon this subject not with a view of seeking to change your opinions but solely with a desire to fully

Hon. Hamilton Fish adver

Secretary of State

Washington D. C.

advise you not only of all the facts of this case, but of consequences that will probably follow, the adoption of rules such as you intimate before obtaining from you a finial decision. This course I deem a just and fair one to yourself and I trust that my motives in continuing the correspondence upon this subject may be thus understood by you

With all due deference I beg leave to state that in your despatch you seem to apply the same rule to artificial as to natural persons. that is to firms and business houses as to individuals, and it is the correctness of this view that I wish to challenge sufficiently to call your attention earnestly to what seems to me to be an important distinction.

The

The evident correctness of the rule as applied to individuals that owe and owing full allegiance to our Government should be entitled to receive its protection unless in special cases provided for by treaty &c laws this branch of the subject out of the discussion. Applying this same rule to firms and co-partnerships the first question is, does a mixed firm such as that of Shultze Reis & Co owe and yield full allegiance to our government whilst as heretofore it has asked and received our protection?

It has heretofore and still does submit itself in full to the jurisdiction of our courts and officers: its business is conducted in obedience to our laws and its creditors in the transaction of business have proceeded with a view to ad-

adjustment in our courts of litigation should necessarily ensue. As regards the payment of taxes in support of our government, on yesterday I saw Mr. Eug. Van der Hyde one of the copartners and asked him if his firm had ever rendered any account of sales. He replied that one had ever been called for of his knowledge, but that the liability of the firm to pay all such taxes would be at once recognized if it was called upon and the measure of its liability made known. That the protection of the American government had been sought and received, and a ready acquiescence would be at once yielded. This it seems to me, is yielding on the part of this firm all allegiance that an unlimited copartnership of American merchants residents here could

could give except in an individual capacity on the part of its members.

In reply to your enquiry as to what motive Mr Reis one of the members of this firm, a North German subject and the Consul of that Empire at this port can have in seeking any other protection than that of his own proper government and whether it might not be an act offensive in its nature to North Germany if such protection was accorded. the reply is, that this protection is sought by Mr. Reis solely because his senior partner Mr Shultze is an American citizen, the head of his house, and he in seeking and submitting to the jurisdiction of American Cours and officers in this empire was but following

what

what he and all other merchants doing business here up to this time have considered to be a rule of law at least he had the assurance that such was a common rule of law by observing that such rule was followed by all other mixed co-partnerships and such action constantly approved and endorsed by all of the Consuls and Representatives of all the Powers having treaties with Japan, including those of the North German Empire. This fact it seems to me acquits Mr Reis fully of any intent of an improper or wrongful nature and leaves no room for doubt that the North German Empire so far from being offended by having this protection accorded, would be pleased to have

a

a rule that it follows, also adopted by our government.

This protection it must be remembered, is not in anyway a personal protection. Mr Reis is registered as a North German subject and doubtless discharges his whole duty as such. as he is honored and trusted by his own government, by being made one of its officers. neither does there seem to arise any conflict of jurisdiction or confusion from this system of an individuals owing personal allegiance to one power. whilst he is a member of a firm whose business is under the protection and subject to the jurisdiction of another.

Mixed partnerships are the most common of all kinds of copartnerships in the East. Very many of the

the largest homes under the protection
of the English French. German. Dutch
and American governments are composed
of members who are citizens or
subjects of different nationalities.
The stern necessity of some general
rule that will be recognized and
followed by all of the powers in regard
to according governmental protection to
such partnerships. I am sure you will
at once recognize the necessity of. and
not allow this important question to
pass off and be decided upon the
narrow basis of what shall be done
about this one firm of Shultz Dens & Co

As I before advised you, I learned
soon after I arrived here. from my
colleagues that they had adopted the
following rules in according the
pro-

protection of their governments to mixed firms. first. by allowing such firm to register itself in the Consulate of any power it might choose, provided one or more of its members was of the nationality of the power thus elected. and secondly treating it if not voluntarily registered in any Consulate as being of the nationality of the senior member of the firm. that guided by these rules, all had work well and with this system all business men true has grown accustomed and learned to regard as law.

On these rules my worthy predecessor has acquiesced whenever you will observe why I proceed under them without a suspicion of error.

If these rules are not to be longer

followed

followed. I am sure that you will agree with me that there is a strong necessity for the adoption of some other rules that should at once be made known for it is not alone these copartnerships that are interested, but also all of their creditors. I presume that I am correct in asserting that if an government refuses to accord to mixed firms its protection, it cannot consistently claim the right to subordinate them to its jurisdiction, either judicial or otherwise. Where then, may I ask in such a land as this where no courts exist of a native or a mixed character could a firm be sued that was composed of individuals of different nationalities having an American citizen as their member? Neither

the

the courts of England France. Germany, Holland, or any other treaty powers could ask or compel submission of such a firm to their jurisdiction unless such firm should voluntarily seek such protection by procuring registration in its Consulate as they would be obliged by their own rules and precedents, thus, such a firm would sit above the law and creditors who might be our own citizens would be left (without any fault of their own) without a remedy for the enforcement of their claims against such firm.

But even if they might be compelled to submit to the jurisdiction of other powers, it would be a serious injustice not alone to themselves but to their creditors to compel a settlement

of

of their affairs under the laws and in the courts of another power than that of the one intended when the contracts were made.

May I ask you if it is wrong on the part of an American citizen. by associating himself in business with the subjects of another power to thus bring that subject qualifiedly under American protection is it not also a hardship if not a wrong- for a rule to be adopted that would alienate an American citizen from the protection of his government because he had associated himself in business with the subjects of another power. which action is certainly not in contravention of any known rule of law or even of morals and is it not beyond doubt an

in.-

injustice to the American creditor of such a firm to cut him off from access to any tribunal where he might enforce his just demands against such a house?

These questions I advance to illustrate to your mind as happily as I may the bad or mischievous results that might follow from the sudden adoption of a rule denying American protection to any firm or business house having amongst its members individuals not citizens of the United States.

Very many of the largest American houses in the east have amongst their members individuals of European nationalities. The Log-house of Walsh Hall & Co doing business at all of the open ports in this Empire, at its late re-organization incorporated an

an English subject accupt its member all of the others being American citizens I believe. This man in his individual capacity is still as much under British protection as he was before he became a partner in that house, yet ~~the~~ His business interests in the firm of Walsh Hallock are entirely subjected to the jurisdiction of American courts and officers

The rule that I understand to be foreshadowed in your 198. would if I read it correctly compel a reorganization of that firm or otherwise it would be denied recognition and protection as an American House.

How many more of the large commercial houses that are now recognized and protected as American houses would

be

to this effected out here I do not
now know but my opinion is, that
it would reach a very great many
and that much confusion and
probably much loss would follow
a sudden adoption of a rule of
this nature. If there it should
still be considered by you to be the
proper course to pursue, would it not
be well to allow me to continue to
such houses, now under our protection
the same privileges for some certain
length of time under a notice that
on and after some certain date
such protection would no longer be
accorded to others than strictly
American firms.

As regards vessels, I do not know
of course whether any of

There

their Homes were the unmarried Americans firms have ever paid the income and other taxes in support of our government. I suppose it has been as much through the neglect of our own officials in never having made any effort to collect it as from any other cause. It is certainly just that they should sustain their fair proportion of these burthens, and I have no doubt but what they would willingly do so if called upon. and that from this source a considerable sum might be obtained yearly.

I beg to assure you that any assistance in this regard that the Treasury Department may require of me, I will with your permission cheerfully extend

extend.

I admit some anxiety on my own part to save to our jurisdiction and our flag, as much as possible of the commerce [redacted] how as it materially adds to our influence and standing with these Asiatic powers. to have these large houses under our flag and protection.

[redacted] I have the honor to be

Sir,

Your most obedient servant

C C Dodge

C. E. De Long.

No 245.

Received

Reply to despatch No 108 relative to according American protection to foreign and copatriotic conspiracies of individuals citizens and subjects of different powers.

Ack'd Ack Jan 4

No 246. United States Legation

Yokohama Japan Nov 12 th 1871

Hon

Geo. C. Robeson

Secy of the Navy &c.

DEPARTMENT RECEIVED DEC 27 1871 OF STATE

Contents.

Report of Honors paid to the flag of the United States at Hakodada by Russian & French Naval Officers.

Advs. of my journey through Yezo and my safe arrival in Yedo on the 5th inst

No 246. United States Legation

Yokohama Japan November 12th. 1871

Sir.

I have the honor to report to you that on the 13th. of last month having concluded the business I was engaged at Hakodada I embarked on board of the Russian Gun-Boat Sobla. Commander Nazimoff who had courteously offered to convey my gnard attendants. Companions and myself across the Straits of Tsugar to the Island of Nipon.

Immediately on going on board of the vessel the American flag was hoisted at the fore and saluted with fifteen guns immediately after which the French Gun Boat Lavois. Commander Duval. Then being in that port hoisted

Hon Hamilton Fish

the

Secretary of State

Washington D C

the American Flag at the fore and returned the salute with fifteen guns, which was at once followed by the Russian Corvette having Governor and Admiral Comm on board by another salute to the flag at the fore of fifteen guns. after which we steamed away and reached Awamori Bay before dark.

Proceeding on our Course in an unsurveyed Bay. at imminent risk of loosing this vessel the Commander of the Lobb proceeded to the town of Ko Head Sa on the North Coast of Sipon where I was landed under a salute of an illumination of his ships. On the following morning the Commander accompanied by the Russian Consul at Hakodada the Mr Osalovskye. came again on shore bade me good bye and gave a parting salute

Salute to my flag of fifteen guns.

The acts of extraordinary civility and honor extended to my flag and myself as its representative in my opinion called for special notice, which I gave by addressing a letter of thanks to Admiral Gigolean of the French squadron at this port and to Commander Nazimoff of the Russ. g.b. Sobr. I wish if at all proper in your opinion and warranted that you would do me the great favor of making my feelings of deep obligation known to the French and Russian Governments. -

Having landed in Nipon with the following named gentlemen as companions to wit Lt Com'd C.G. Longfellow. James Jones M.D.A. Richard Pollion U.S.A. Nathan Rice acting Carpenter. Dr Wm Pisa Secretary of the

the Italian Legation in Japan and a Mr Blackiston an English gentleman I commenced my journey to Yedo under an escort provided by the Japanese Government of ten soldiers and two officers. I was twenty two days making the trip including stoppages.

The journey was made in Norimonos (a chair carried by Coolies) - and we mostly lay almost entirely through the Island from the South to the City of Yedo.

During the whole time we were in Japan although nearly all the time in a country never before travelled over by any foreigner and amidst people who never before saw a foreigner I was treated with unbounded respect and courtesy by every one including the common people as well as the officials.

In all the country through which we passed

present we were escorted by Local guards as well as those originally provided for us and along our entire route we were provided with the most comfortable buildings for stopping places and the best of provisions for our support that were obtainable.

At our approach all common people in the streets, fields and buildings were compelled to kneel and remain kneeling during our passage. Exhausting to fall short of money we wants were at once provided for on suggestion by a loan of five hundred dollars made to us by the authorities of the City of Sendai who refused to accept any interest or other remuneration for the loan made.

In short in every possible manner during the thousand miles of land travel that I have just made in Japan and

Nippon

Japan I have met with nothing but the greatest kindness. For this I feel that the thanks of our government are justly due to that of Japan for these honors accorded to me as a Representative of the United States and I trust that I may receive your permission to extend them.

— I found the crops of Rice, Beans, Barley &c including the silk Crop, most abundant- and the people generally contented and apparently above want. Indeed I saw no beggar until getting within a few miles of Yedo and no man under the influence of liquor on my whole journey. This I consider remarkable and worthy of notice. — On my arrival in Yedo I found all quiet and the affairs of my Legation all in the best of order.

I have the honor &c &c &c

Your most Ob.

A. Oliphant

Ent
Ackd

Ackd
Mr Pratt

United States Legation

Yokohama Japan Nov 13th 1871

No 247.

DEPARTMENT OF STATE
RECEIVED
DEC 27 1871

From

C E De Long

Envoy Extraordinary &c

Contents

Forwarding Letter of thanks received from the Japanese Government for certain mail facilities extended to it by the government of the United States.

No 247 United States Legation

Yokohama Nov 13th 1871

Sir.

I have the honor to forward to you herewith (Enclosure No 1) a copy of a Note received at this Legation from the Minister for Foreign Affairs of this Empire, expressing the thanks of the Japanese Government to our own for the courtesy extended of permitting the official mail of the Japanese Legation to be forwarded to this Empire in a sealed pouch enclosed in the government mail bag.

I have the honor to remain

Sir. Your most obedt Servant

C E De Long

Hon Hamilton Fish

Secretary of State

Washington D C

November 13th 1871

Mr De Long

No 247

One Enclosure

Received

Forwarding Letter of thanks received from the Japanese Government for certain mail facilities extended to it by the Government of the United States

Copy of translation.

Foreign Office Tokei

The 29th of 9th month of 4th yr. Meiji

The same informed by the last mail from Mr. Mori Arimi H. I. J. M's Charge d'affairs & the United States Government that they have complied with the request made through Mr Mori. To forward the official correspondences between the Legation in Washington and the Japanese Government in a sealed pouch with the U.S. Mails. We therefore beg to thank you on behalf of our Government for the courtesy shown by Your Government.

Will you have the goodness to transmit to the United States Government our sincere thanks for their courtesy.

With respect and consideration

Iwakura Tomomi,

Terashima Munenori

Yamaguchi Naoyoshi

H. I. J. M's Ministers for

Foreign Affairs

To H. E.

C. E. De Long.

Envoy Extraordinary & Minister Plenipotentiary of

the U. S. A.

Nagasaki, Japan

Mitdupatch No 247.

Copy & Translation of a letter of thanks received from the Japanese Government for certain aid & facilities extended to it by the Government of the U.S.

No 1.

Dated 29th of 9th month Meiji 4.

Mr. Pratt

United States Legation
Yeddo Japan
No 248. November 17th 1871

DEPARTMENT OF STATE
RECEIVED
DEC
27
1871

From C E De Long.
Envoy Extraordinary &c

Contents,
Admiral Rogers and Staff with the
officers of the Colorado and Alaska given
an audience by the Mikado
Efforts made by me to induce the
Emperor to visit our Fleet. the invitation
temporarily declined but a promise given
that the American Fleet should be the
first foreign one visited by him.
The Admiral tendered a Ceremonial
Audience which was waived and a
private Audience accepted.

No 248. US Legation Yedo November 17. 1871

Sir

I have the honor to advise you that I addressed a communication to the Japanese Government asking for an audience for Rear Admiral John Rodgers of the US. Navy. with the Mikado

Enclosure No 1

Their Excellencies the Ministers subsequently at an interview held at my residence in Yokohama. advised me that such audience would be granted to be held on this day. but that it would be a private audience as a rule had been adopted restricting ceremonial audiences to diplomatic agents. At the same interview I mentioned to their Excellencies that if the Mikado would accept, an invitation would be extended to him to visit

Hon. Hamilton Fish
Secretary of State
Washington D.C.

visit the U.S.S. Colorado

To this it was replied that a suggestion of the same nature had been made during my absence by Col Shepard which had been duly considered, and it had been concluded to be inadvisable for Her Majesty to accept such an invitation if tendered.

I then advised Their Excellencies that I would submit what they had said to the Admiral. but assured them that I could not advise Admiral Rodgers to accept a private audience inasmuch as Her Majesty had granted Admiral Hornby of the British Flying Squadron a ceremonial audience and I could not understand why a rule of this nature mentioned should have been so suddenly adopted, and in the absence of a sufficient showing as it might give room for remarks to the effect that an American Admiral had been granted less honors than had been extended to an officer of equal grade and rank in the

British naval service. I should advise him to decline the offer although I believed it was considered in Europe to be the most distinguished honor to be granted a private audience by a Sovereign. At the same time I urged Their Excellencies to again lay the question of His Majesty's accepting an invitation to visit our Fleet before the Government intimating that if such a visit was made it might open the door to an avoidance of any dispute relative to the nature of the audience to be accepted.

I went further and urged upon Their Excellencies many reasons that I thought should have weight with His Majesty and incline him to make such visit assuring them that it would be an honor highly appreciated by my Government and as a circumstance would be strong evidence of the rapid and certain strides towards civilization that His Majesty's Government was making.

Their Excellencies kindly agreed to

again.

recommit this proposition with the reasons I offered in support of it to their Government as also the question relative to the nature of the Audience to be granted, and further at my suggestion agreed before deciding finally upon the question to meet the Admiral and myself at the Foreign Office and hear us further upon these matters.

Accordingly the Admiral and myself on the 14th inst visited the Foreign Office where we were most kindly received by their Excellencies Mr Terashima and Mr Terashima at which time the Admiral very fully explained to them the terms that by the rules of the Navy he was permitted to accord only to Sovereigns and which he would be most happy to extend to His Majesty. also urging strongly the propriety of His Majesty's according Your Nation their nearest neighbor and first in treaty relations with them the signal honor so earnestly sought and desired. It was objected by

their

their Excellencies that they did not then have in readiness any suitable vessel of their own upon which Hr Majesty could embark. This was met by an offer to place the boats of our Fleet at his service or to extend any reasonable amount of aid to help place one of their vessels in condition.

These matters were all kindly taken under advisement by their Excellencies and an answer promised on the next day. Accordingly on the 15th inst. I again waited upon their Excellencies and was informed by them that for various reasons stated by them that it was deemed inadvisable for H is Majesty at the present time to pay the visit. that a ceremonial Audience would be granted in view of my urgency and the reasons given, but that it would be the last Audience of that nature given to any but diplomatic Agents or Sovereigns. And further, their Excellencies informed me that they were authorized by Hr Majesty

to

to assure me that the first visit he would pay to any foreign fleet should be to the American.

Actuated by a sense of gratitude for this generous and liberal action on the part of His Majesty and of his Ministers (I having first confered with the Admiral and received his full approval) I then advised Their Excellencies that inasmuch as the ceremonial audience had been tendered, and the point of honor saved, would not accept a private instead of a ceremonial audience for the Admiral if it was more agreeable to His Majesty to extend one of that character.

Their Excellencies thanked me for this action, and assured me that it would be returned as a special favor if I would do so. They accordingly addressed me a note extending a private audience (Enclosure No 2) and the audience being fixed for the hour of one oclock of that day I proceeded with,

with Admiral Rodgers and some twenty officers of the fleet and Mr Nathan E. Rice as Interpreter to the Castle Grounds in this city where at the same place and in the same building in which His Majesty gave Mr Seward an audience one was given to the Admiral.

After my having introduced the Admiral His Majesty addressed me kindly (Enclosure No 3) and then the Admiral (Enclosure No 4) to which the Admiral forcibly and eloquently replied. (Enclosure No 5) after which we retired to another pavillion in the grounds where we were regaled and entertained in the most cordial manner by His Majesty's Ministers and thus terminated a most pleasant and I think a most auspicious affair.

I have the honor to be

Sir

Your obedient Servant

C E De Long

Yokohama Jy. 1871

C & De Long

No 248

Received

Admiral Rodgers and Staff presented to the Mikado. Efforts made to induce Mikado to visit our fleet. Visit temporarily declined but a promise given that the Am. fleet should be the first foreign one visited by him. —

Jane Cochrane

Copy

No 42. United States Legation

Yokohama December 7. 1871

Their Excellencies

The Ministers for Foreign Affairs

" " "

Your Excellencies)

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan has the honor to inform you of the presence at this port of Rear Admiral John Rodgers U.S.N. Commanding the Asiatic Squadron.

It would be very agreeable to the Admiral as well as to the undersigned if His Majesty the Tenno would graciously grant an audience to the Admiral at any day between the 8th and the 21st of this month sundays excepted.

If the health of the undersigned will permit on Friday next he will present to Him on board the Colorado at which time if agreeable to Your Excellencies he will wait upon you with the Admiral at the Foreign Office and perfect the necessary arrangements for this audience.

With respect and consideration

(Signed) C. E. De Long

With dispatch No 248

Letter of C C Darling
to Japanese Minister
for Foreign Affairs

No 1.

Copy & translation

Yokei (Leo) 4th of 10th month
4th year of Meiji

To His Excellency
C. E. De Long.
Envoy Extraordinary & Minister Plenipotentiary
of the United States of America in Japan.

We beg to acknowledge the receipt of
your letter No 42 of the 7th November 1871.
in which you state that Rear Admiral
John Rodgers, U. S. Navy. commanding the
Asiatic squadron, desires to have an
audience of his Majesty the Tenno.

In reply, we beg leave to say that
this matter having been reported to His
Majesty the Tenno, a private audience
will be granted to the Admiral in company
with Your Excellency on the 5th day of the
present month. 17th November and we
will send an Officer of this Department
to the residence of the Admiral as a
guide, on the appointed day. - Will you
kindly communicate this to the Admiral
With respect and consideration

Signed
Iwakura Tomomi
Terashima Munenori
Yamaguchi Naohiro

His Imperial Japanese Ministers
for Foreign Affairs.

With Dispatch No 248

U.S. Legation Japan

The Japanese Minister for Foreign affairs to C.E. De Long.

No 2.

Copy & translation.

To the United States Representative

It is a long time since I met you. I am gratified to observe that you are enabled to perform your duties and are in the enjoyment of good health.

Mitt Reporter No 345

U.S. Legation Japan

The Mikado of Japan
to C.E. De Long

No 3.

tion

To

Admiral Rodgers.

I am delighted to see you by introduction of the U.S. Representative near me in hearing, that you remain in my country since this autumn as Commander in Chief for Asiatic Squadron of U.S. Navy.

I hear, that you have wide experience in Navy, if there is anything advantageous to my country, I beg you will explain it to my Chief Advisers.

Ms Legation Japan

Mikado's speech
to Admiral Rodgers

No 4,

Your Majesty:-

I have especial pleasure in the honor of this presentation.

In Japan I behold a nation which, having attracted the attention of the world in by gone ages, is now fast ranging itself under the banners of those institutions in which the Western Nations find wealth, and power, and advancement

In your beautiful country,- and I know not where to find a more beautiful one;- I meet everywhere a kind and polite people.

I find schools; I find manufactures; I find agriculture, the foundation of all progress, fostered by royal care.

I hear of the hidden wealth, laid up in mines in the beginning of the world, at last dragged into the light of day and made to contribute to the purposes for which it was created.

I see a disciplined soldiery on every

side

side maintaining order and watching over the repose of the Empire; and I see fleets of steam war vessels ploughing the sea in obedience to orders, or the peaceful trader, with steam as a motor, driving, under Your Majesty's Flag, his ship at speed in the pursuit of gain.

Thus do I behold Japan in a year accomplish real progress such as in Europe it took a hundred years to make.

I cannot but recognize, in these facts which I have narrated, the rule of a Sovereign such as those, whose names are recorded in European Chronicles as those of the great parents of their countries: whose memories generations preserve in national reverence, and as examples for imitation.

Especially gratified do I deem myself, may it please Your Majesty, by the honor of an audience with such a Sovereign.

Permit me here to assure Your Majesty, that it will be my highest pleasure to render to your Naval Officers such service and information as my experience in Naval Affairs may give me ability to afford.

U.S. Legation Japan

Address of Admiral
Rodgers at Arrival
of Mikado of Japan

No 5.

Ans Jan 4

In Pratt

Legation Japan

Japan November 18 1871

No 249

From

C C De Long

Envoy Extraordinary &c

Contents.

Prince Date returned from his Mission in China. A Treaty concluded but not yet made public.

Advices relative to its nature given to me by the Minister for Foreign Affairs, also enclosing a Note to me on the subject from H. H. Low Esq.

One enclosure.

Copy of letter from Mr Low to Mr De Long.

No 249. Legation Fedr

November 18th 1871

Sir.

Thanking you most sincerely for the highly complimentary tenor of your dispatch to me No 201 of date the 24th day of August A.D 1871 I beg leave to advise you; that Date Prince of Iwagawa the Ambassador of His Majesty the Tenno of Japan has recently returned from his mission in China having concluded and exchanged satisfactions of a Treaty between the two countries.

I receive from Mr Low our Minister in China a Note on the subject (Enclosure No 1) by which it appears that the Chinese Government as yet has not made the Treaty public

On yesterday at the Foreign Office I enquired of their Excellencies the Ministers about the nature of this Treaty somewhat reasons if any they had for keeping its contents secret I was advised in reply that the Treaty was being translated for publication as rapidly as

Hon Hamilton Fish

Secretary of State

Washington DC

as possible & as soon as completed that they would at once furnish me with a copy for transmission to you. Their Excellencies stated that it was a very lengthy document but in reply to my enquiries assured me that it contained nothing that would be objectionable to me as they understood my views.

Happy to know that I have pursued a course in this matter that meets with your very warm approval I beg leave to assure you that I shall lose no time in procuring and forwarding to you a copy of the instrument

I have the honor to remain
Sir
Your Most obedient Servant
C C De Long

Washington 18, 1871

Lt C C De Long
Ut 24 R.
Relieved

Read Data relative to
Lieut Danenhower's
Arctic Cruise. A treaty
concluded but not yet
made public. Orders
to Arctic vessels known
& abstracts of journals
of officers & men making
a total known on this
subject from U. S. ships
one exhibition

Copy

Legation of the United States
Peking October 7, 1871.

Sir,

Referring to your despatch of 27. June last I am learn that a Treaty has been concluded and signed by the Japanese and Chinese Plenipotentiaries at Tientsin. I had an interview with the Japanese Minister at Chefoo when he was on his way from Shanghai to Tientsin during which I endeavored to impress upon him the importance of negotiating his Treaty upon a basis of equality and pointed out to him the disadvantage it would be to Japan in her relations with other Powers in case any other basis was fixed upon.

Mr Williams' note to the Prince, copy of which is herewith inclosed, you will observe quotes an extract from your despatch and assumes that His Excellency any

Charles E De Long

Yokohama

any treaty which the Prince is authorized to conclude will be substantially the same as those between Western Nations and China. The negotiations having been carried on at Tientsin, it was of course out of the power of either myself or Mr Williams to render the Japanese Ministers any further advice or assistance.

Since the treaty was signed Prince Date and suite came to Peking, arriving here eight days since. I have had two interviews with him both of which have been of the most agreeable character. In reply to my enquiries the Prince informed me that his treaty does not vary materially from that of the United States with China, but that until it shall have been first submitted to his own Government it will not be proper for him to furnish copies of it to the representatives of any other Government. The German and Austrian treaties being the latest ones concluded with China, they were taken as a basis for his.

The

The new treaty contains XXII Articles and the commercial Regulations upwards of thirty paragraphs, according to the Prince's statement to me. He says that as soon as it shall have been submitted to the Government of Japan copies will be furnished to the Treaty Powers. I may add that the Chinese Foreign Office promised me a copy in a few days

From unofficial sources deemed by me reliable, I learn that the only substantial difference between the Japanese and other treaties is a modification of the ex territoriality clause. The new treaty provides that exterritoriality shall be mutually conceded and exercised at all the open ports in China and Japan and nowhere else.

In other words Japanese Courts will take cognizance of all infractions of law by their nationals at the open ports in China, and Chinese Courts will

laws

have corresponding jurisdiction at the open ports in Japan, that at all other ports and places, Japanese in China will be subject to Chinese law and vice versa, the same with Chinese in Japan. The treaty is to be ratified by both Governments and ratified copies exchanged within one year from date of signature.

From the Prince I learn that the treaty does not contemplate the sending of Ministers by either country.

In view of this I have tendered my good offices in case his Government should need my services at any time, and I shall take the liberty of speaking for you in the same sense to the Chinese officials. Prince Date's having kindly offered to be the bearer of anything I had to send to you I avail myself of his kindness to forward this. I have the honor to be Sir

Your obedient Servant

(Signed) Seward F. Low.

Copy

Copy of Enclosure

Legation of the United States
Peking Aug. 4. 1871.

Sir

A dispatch has recently been received from Mr De Long U.S. Minister to Japan stating that the Emperor had determined to dispatch an Embassy to conclude a treaty with China on the basis of the treaties between Japan and other foreign countries, and had entrusted the direction of this mission to your Excellency.

Since this dispatch which was addressed to Mr Low, (now absent) was received, I have heard of the arrival of your Highness and suite at Tientsin, where I am told that the negotiations are to be carried on.

Mr De Long requests that any assistance which this Legation can render you in conducting the negotiations may be afforded

Prince Date and
Minister Plenipotentiary
of Japan to China.

and I can assure you that it will be a sincere and high gratification to be able to aid you in making a treaty on the basis of perfect equality like the treaties already existing between China and Western nations. and I know you the respect of the U.S. Minister in his absence as well as my own and add the hope that you may succeed in your high mission.

I avail myself of this opportunity to renew to you the assurance of my high consideration and respect

(Signed) S. Wells Williams

Chargé d'Affaires

Ent Mr Brown
Jany 5 acts 11 Jan 4

US Legation Yedo Nov 20th 1871

No 250

From

CB de Long

Envy Extraordinary &c

DEPARTMENT
RECEIVED
DEC
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OF STATE

Contents.

Acknowledging receipt of despatch No 109. and reporting my actions under it.

Have received news from Shanghai from private sources. that a Mr Saville has been selected as Customs Commissioner for Japan and that you have nominated Consul General George F Seward as Minister to the Japanese Government - in carrying the treaty.

No 250 U.S. Legation Yedo

November 2d 1871

Sir.

Acknowledging the receipt of your dispatch No 109 of date the 21st day of September 1871 I beg leave to advise you that I have informed the Japanese Government that Mr C Pickens Smith has been selected and advised them in many important matters to delay action until Mr Smiths arrival which they have done

They are highly pleased by this action and I am delighted. They wish me to extend their warmest thanks to you which I accordingly do.

A gentleman named Robeson called on me yesterday with a letter of introduction from Mr George F Seward at Shanghai, and he informed me that Mr Seward had received private advices from Washington to the effect that he Mr Seward had been nominated by you as adviser to the Japanese in the revision of the treaty. and that a Mr Seville had been upon your recommendation selected as Secretary Commissioner for Japan.

I can hardly believe that this has been done

done as you have not advised me of it; but if
true of course I presume that Mr Severt has
been recommended to the Japanese for this
employment and not appointed as an
officer of the United States to assist in
this duty which I cannot believe would
have been done.

If anything about either of these matters
has been done I deeply regret that I was not
informed of it by the last mail, it being
business brought about by my action and
mainly concerning this Legation it seems
me to be temporarily placed in an awkward
position to have the Japanese and others here
presume of such information of which I
am compelled to admit my entire
ignorance

I have the honor to remain Sir
Your Most obedient Servant
E. E. De Long

Received
December 20th 1871
No 258.

Acknowledging receipt of
dispatch No 109. and
stating my action upon
&c. &c. Also requesting
being sent Shanghai
Japanese envoy that
the Lancaster have
Shanghai during
Japanese visit
that you have the
Asiatic Squadron
arrived Yokohama
January 7th

ink

Acts

W. Pratt

Legation Yokohama

November 22 1871

No. 252.

DEPARTMENT RECEIVED DEC 27 1871 OF STATE

Hon. C. E. De Long

Envoy Extraordinary &c.

Contents,

Forwarding quarterly accounts for quarter ending Sept 30 1871 with vouchers &c

No 252. Legation of Yokohama

Japan Nov 22nd. 1871

Sir

I beg leave to enclose herewith a copy of my account for Salary for quarter ending Sept 30th 1871. (Enclosure No 1) 1/

Also copy of Act of Contingent Expenses of this Legation to the same date. (Enclosure No 2) 2/

Accompanying the same are the original vouchers. showing the corrections as well also as one voucher accidentally omitted from a former despatch.

Also Enclosure please find Certificate of sale of said draft (Enclosure No 3) 3/

I have the honor Sir to remain
Your most obt Servt
C. E. De Long

Hon Hamilton Fish
Secretary of State
Washington D C

Yokohama Japan

C E De Long

No 252

November 22, 1871

Received

Forwarding appointments for calary appointments up to Sep. 30, 1871

Enclosures 3

Ack'd 1st

No. Mr. Pratt

No Legation Yokohama Japan

Nov 29th 1871

No 253

Sir

I have

the honor to

transmit herewith

Contents.

Advising you of a Thanksgiving Notification

issued by me

No 253 Legation Yokohama

Japan Nov 29th 1871

Sir

I have the honor to advise you that upon the arrival of the San Francisco Mail here on the 27th inst- and the receipt by me of the information that the President had proclaimed as Thanksgiving day the 30th ult. that I issued a Notification calling attention to the fact and recommending our people here to observe the same day in a similar manner (Enclosure No 1)

I have the honor to be

Sir

Your most obedient Servant

O E De Long

Hon Hamilton Fish

Secretary of State

Washington D C

November 27th 1871

Hon E D Long

No 253

Relating Thanksgiving
Notification

Ohio Enclosure

NOTIFICATION.

WHEREAS the PRESIDENT of the UNITED STATES has appointed the 30th day of this month as a day for Thanksgiving and Prayer, therefore the undersigned recommends to his countrymen resident in Japan, a recognition of such appointment in the usual manner. And it is hereby directed that Officers of the Civil Service of the United States in Japan regard and observe said day as a non-judicial one.

C. E. DE LONG,

U. S. Envoy Extraordinary and Minister Plenipotentiary in Japan.

U. S. Legation, Nov. 28th, 1871.

Enclosure

With Despatch 253

U.S. Legation Japan

No 1

Thanksgiving Notification

Act. A. H. Mr. Pratt

No. Legation Yokohama

Japan Nov 29th 1871.

DEPARTMENT RECEIVED FEB 2 1872 OF STATE

No 254.

Hon.

E. E. De Long

Envoy Extraordinary &c &c

Contents.

Communicating a further notice received by him from the Japanese Government concerning the table of Coinage at the Mint.

No. 254 Legation of Chokama

Japan Nov 29th, 1871

Sir

I have the honor to advise you that a few days since I received from the Minister for Foreign Affairs of this Empire a Note advising me that certain errors having been made in the table of coins which they had furnished me with that they forwarded me therewith a revised table which they desired me to make known to my country men which I did by advertising the Note and the revised Table (Enclosure No 1) and forwarding a copy of the same to all Consular officers in this Empire

I have the honor to be

Sir

Your most obedt Servt

C. C. De Long

Hon

Hamilton Fish

Secretary of State

Washington D.C.

November 29th. 1871

C C De Long

No 254

Received

Communicating a
Coinage Notification

U. S. Legation Japan
November 24th, 1871.

NOTIFICATION.

THE undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, hereby publishes for the information of his countrymen resident in the Empire of Japan, the following Note received by him with the subjoined table, showing certain corrections in the table of coinage of this Empire heretofore published.

(Signed) C. E. DE LONG.

(*Copy.*)

Tokei, Foreign office, the 10th of the 10th month of the 4th year Meji.

TRANSLATION.

SIR,—Having discovered some errors, in the Table of the Japanese Coinage, showing its fineness, weight, &c, which was forwarded to Your Excellency on the 4th of the 7th month, I beg to enclose one corrected with red dots for your guidance.

With respect and consideration,

TERASHIMA MUNENORI,
Vice Minister for Foreign Affairs.

To His Excellency
C. E. DE LONG,
Envoy Extraordinary and Minister Plenipotentiary of the U. S. of America in Japan.

Denomination of Coins.	Fineness in thousandths.		Standard Weight of Pure.		Standard Weight of Coins.		Tolerance of Mint on Deviation allowed.					
							In Fineness.	In Weight, single piece.		In Weight of a large number taken altogether.		
	Pure Metal.	Alloy.	Troy.	Metric.	Troy.	Metric.					Deviation.	
			Grains.	Grains.	Grains.	Grains.	Thousandths.	Troy.	Milligramme.	Number of pieces.	Troy.	Grains.
Gold. 20 yen.	900	100	462.97	30	514.41	33.⅓	2	½	32.40	1.000	72	*4.666
Gold. 10 ,,	900	100	231.48	15	257.20	16.⅔	2	½	32.40	1.000	48	3.110
Gold. 5 ,,	900	100	115.74	7.5	128.6	8.⅓	2	¼	32.40	1.000	36	2.333
Gold. 2 ,,	900	100	46.29	3	51.44	3.⅓	2	¼	16.20	1.000	24	1.555
Gold. 1 ,,	900	100	23.15	1.5	25.72	1.⅔	2	½	*16.20	1.000	12	0.778
Silver. 1 yen.	900	100	374.4	*24.261	416.	*26.957	2	1½	97.20	1.000	96	6.221
Silver. 50 sen.	800	200	154.4	10.	193.	12.5	2	1½	97.20	1.000	72	*4.666
Silver. 20 ,,	800	200	61.76	4.	77.2	5.	2	1	64.80	1.000	48	3.110
Silver. 10 ,,	800	200	30.88	2.	38.6	2.5	2	½	32.40	1.000	24	1.555
Silver. 5 ,,	800	200	15.44	1.	*19.3	1.25	2	½	32.40	1.000	24	1.555

NOTE.—The asterisks in the table denote the corrections made in the form before published.

With Dispatch No 234

Legation in Japan

No 1

Consular Notification

Recd

A. L. S.

DEPARTMENT OF STATE
RECEIVED
FEB
2
1872

Mr Pratt

No 255

Legation of the U.S.

Japan Dec 6th 1871

From

C. E. De Long

Encl Extract &c

Contents.

Addressing for proceedings relative to
Mr Pannell and difficulty with the Mikado
Presentation of C. A. Shepard Esq as
Chargé des Affaires. Enclosing
Copy of the addresses &c

No 235 Legation Yokohama Japan

December 6th 1871

Sir

I have the honor to advise you that I addressed a Note to the Ministers for Foreign Affairs advising him of my intention to leave Japan temporarily on the 28th instant and of my instructions to leave Mr C O Shepard in charge of the affairs of this Legation during my meeting an audience with His Majesty the Tenno &c. (Enclosure No 1) 1/255

To which on the 5th inst I received the enclosed reply. (Enclosure No 2) 2/253

On the 2th inst the audience was held at the palace on which occasion

Hon Hamilton Fish

Secretary of State

Washington D C

occasion I addressed his Majesty as
per copy of Speech Enclosed (Enclosure
3/253. No 3) to which His Majesty replied
as per copy also Enclosed (Enclosure
4/253. No 4).

I have the Honor to remain

Sir Your Most obedient Servt

C. & D. Long

List of Enclosures.

No. 1 Note asking Farewell Audience
No 2. Reply of Japanese Minister
No 3. Speech delivered to His Majesty
No 4. Reply of His Majesty

C. & D. Long

No 255

Received Dec. 1871

Answered

Foreign Office
May [illegible] 1872

Enclosure 1 in
Mr Parkes's despatch
No 255 of 6th Dec. 1871

Enclosure 2 in
Mr Parkes's despatch
No 255 of 6th Dec. 1871

Copy.

United States Legation

Yokohama Japan Nov. 27. 1871.

To Their Excellencies

The Ministers for Foreign Affairs &c &c &c

Their Excellencies.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the U.S. of America in Japan availing himself of a leave of absence kindly granted to him by his Govt proposes to leave this Empire on a visit to Washington by the steamer that leaves here on the 20th of December next. Under instructions to that effect received by the undersigned he will leave the affairs of the Legation in charge of C. Shepard Esq. who will also continue in charge of Hawaiian interests. In view of these circumstances the undersigned begs leave to have a day appointed when he may have an audience with His Majesty the Tenno, to take him leave and present the Successor of his Majesty as Chargé des affaires

As early a day as possibly convenient to His Majesty would be most agreeable to the undersigned at which time to have the audience

Come

Inner day between the first and fifth day
of December next will be most agreeable
With respect and consideration
C. C. DeLong

Enclosure
Bill of Exchange No 205
M. P. Delgadillo Jaques
$40 1
Forty dollars Lawful
money

Copy & Translation

Tokio the 1st of 11th month Meiji 4.

I beg to acknowledge the receipt of Your Excellency's letter of the 27th November 871 in which you inform me that the United States Government has granted you a leave of absence and you will leave the affairs of the U.S. Legation in the charge of Mr C. Shepard.

In view of these circumstances Your Excellency's desire to have an audience with His Majesty the Tenno. and to introduce Mr Shepard,

Accordingly the matter having been at once referred to His Majesty the Tenno, I was instructed to communicate to you, that H.M. the Tenno will grant you an audience on the 20th of the present month. (2nd December) at 3. o'clock P.M, and guides will be provided as usual.

With repeated assurances

of my

H.I.J.M's Vice Minister for

Foreign Affairs,

With dispatch # 738

U.S. Legation Japan

No 2.

Reply to Japanese Ministers request for a farewell audience

Speech

Your Majesty.

Having been for a long time in constant attendance upon Your Majesty's Court and being now about to leave for a few months it becomes my pleasant duty to introduce to Your Majesty C C Shepard Esq who by instructions received by me from my Government I shall leave in charge of the affairs of the Legation in this Empire

Mr Shepard will also act for the Hawaiian Government during my absence.

I bespeak for Mr Shepard during my absence the same kind and courteous treatment that has been accorded to me and I trust that during his time he may remain in charge those kind relations as happily existing between the Government of Your Majesty and that of the United States of America may meet with no interruption

In parting I beg leave to tender to Your Majesty the high

Considerations

Considerations of the President of the United States and then to be Severally added my own.

Mr Speaker Sir	
No 3	
Speech Mr Cobb & Ors	
5 Feb. Mayn 1861	
Printed.	

Mr Speaker Sir 2855

Copy

Translation

To the President of the United States with the enjoyments of good health.

I am my envoy Apart with you on this interview with you from your home. It gives me great satisfaction that you have discharged your duties satisfactorily during a protracted residence in my country. and your efforts have contributed to the growth of those happy relations between Japan and the United States.

I beg that you will submit to the President of the United States my sincere desire to cement more and more the happy relations now existing, on your arrival in your country. I expect you will return to my country. I recognize Mr Shepard as Chargé d'affaires of the United States during your temporary absence.

With dispatch No 256;

U.S. Legation in Japan

No 4,

Reply of the Mikado
to E. E. De Long

Ack 108 16 In-Bate
to 256 United States Legation
in Japan

E. E. De Long.
Subject:

Appointment of Shio Shii Shoishima to be head of the Foreign Office vice M. E. Enokima. promoted.

Enclosure 1

No 258. United States Legation
Yokohama Japan
December 18. 1871.

Sir,

I have the honor to inform you that Shio Shii Shoichima Tanemi has been appointed to succeed H. E. Terashima (promoted.) as Chief of the Foreign Office under the title of Gaimmu Kyo. - and beg to enclose copy of notification to that effect issued this day.

I have the honor to be
Sir,
Your obt Servant
C. E. DeLong.

Hon. Hamilton Fish
Secretary of State
Washington D.C.

Yokohama Japan

No

C., C., De Long

dated December 18/71

Received

Information expecting
appt of Shoshuma to
Minister for Foreign affairs

Copy of translation.

Tokei the 5th of 11th mo. Meiji 4.

His Excellency
C. E. De Long
Envoy Extraordinary & Min. Plen.
of U.S.A. in Japan.

Your Excellency

I have the honor to inform Your Excellency that I have been appointed the Gaimukyo (Minister for Foreign affairs) and am will be so kind to favor me with friendly intercourse as my predecessor.

With respect and consideration

Shio Shii Shoshima

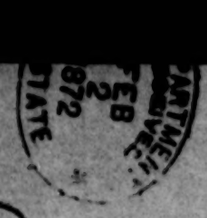
Tanconni

with dispatch No

U.S. Legation in Japan

No. 1

Notification of appt
of Shoshima to be
Head of Foreign Office



Mr. Bato

A. L. & M. H.

No 257. A. L.

U. S. Legation in Japan

C. E. De Long.

Subject:

Claim of Schuller Res & Co

has been paid.

Enclosure 2.

Yokohama Japan

No 257.

C. L. De Long

dated Dec. 18. 1871

recd

Amt settlement of a
claim of Schultz Bro
& Co. merchants. vs.
a Japanese Ken.

2 enclosures

No 257

United States Legation

December 18th 1871

DEPARTMENT RECEIVED FEB 2 1872 OF STATE

Sir

I have the honor to advise you that on the 13th day of June last the Governor of Shuri Kiyoka forwarded to me a Letter (Enclosure No 1) wherein they preferred a claim against the Maroonka Kan for a large sum of money and requested me to make the aid of the Supreme Government of Japan to secure its apportionment.

I laid the evidences they presented me with before the Minister for Foreign Affairs at once and Their Excellencies by Note received by me two days since

Hon

Enclosure

Hamilton Fish

Secretary of State

Washington DC

Despatches Japan

(Enclosure No 2) advising me that they had paid the claim amounting to the sum of One Hundred and Forty Four Thousand Dollars.

I beg leave to advise you that when I submitted the claim I informed the Ministers that I did so informally and if not found due beyond question that I would ask leave to recall it and submit it to you for instructions before pressing for a settlement.

I have the honor to remain

Sir Your Most obedient Servant

C E De Long

Enclosures No 1. Letter of S. Roberts

Ministro De Long. June 13. 1891

No 2. Letter of Department Ministro for

Foreign affairs. 2nd Dec 16. 1891

Copy.

Yokohama June 18. 1871.

To His Excellency
The honorable C. E. De Long.
Minister Plenipotentiary for the United States.

" " "

We have the honor very respectfully to submit to Your Excellency the following complaint against the Moriuka Han. (Nambu) for breach of contract.

On the 13th February this year we first at Hiogo granted to the Commercial Department of the Moriuka Han Osaca a loan of $110.000 one hundred thousand dollars to be redeemed by ten monthly deliveries of $1000 per copper each, or of a corresponding quantity of silk, or failing in the delivery of either of these articles by payment in cash of $10.000 per month with interest and commence as agreed upon. Copy of this agreement or contract with a translation affixed we have the honor to enclose. The first two instalments under this agreement due respectively on the 8th March & 9th April have been properly kept by the defendants by their delivery to

to our Ships from on or about the due dates
of altogether about 2000 frs copper.

On the 7th May, and on the 7th June, the
two following instalments (for the delivery of
£10,000 value each Tog. 20 000 ℔) became due
to us. were known by defendants almost to
elapse without either delivery of produce, or
the payment of the equivalent in cash due
to us. defendants alleging ~~that~~ as cause
for non delivery of produce that they had not
received it from the country or Province
Relying on the good faith of defendants which
it was supposed was shown in the formal
manner in which on the 8th March they met
and discharged the first engagement or instalment
as it became due, a second loan was granted
by our Nagasaki firm on the 21st March to the
Osaca Commercial department of the Mitsui
Bussan amounting to 40,000 $. Mex dollars
Forty thousand to be discharged by provincial
deliveries of a quantity of altogether 5000
pcs Camphor, or in case no camphor was
forthcoming at the stated period, of cash
payment corresponding with the value of the
Camphor to be delivered. We have

the

the honor also to inclose copy and translation of this agreement which was broken by defendants not delivering the first thousand pic Camphor on the due date the 19th April nor could they be prevailed upon to make good this by paying the equivalent in money as stipulated. According to agreement a second delivery of 1000 pic. Camphor falls due on 3 days from today but there is nothing to indicate that defendants are prepared to meet this engagement which if allowed to be added to the amount now already due to us by defendants will bring it up to $40.000 whilst in addition to this $80,000 are falling due by installments between now and beginning of Dec. this year.

We most respectfully request Your Excellency to take in this honor from this important matter such steps with the supreme government of Japan as may appear most conducive to an early and satisfactory settlement of our present claim and obtain for us support and ample security from defendants for that portion of the debt which becomes due later on.

With high esteem we respectfully

Siemssen Schultze Rees & Co

Mikadospatch Nos 257

U.S. Legation in Japan

No 1

Copy & translation.

Tokio the 4th of 11th mo. Meiji 4.

His Excellency
C. E. DeLong
Envoy Extraordinary & Minister Plenipotentiary
of the U. S.
Sir,

I have the honor to inform Your Excellency that the claim of Messrs Schmitz Bros & Co against the Mikado Gov has been finally settled on the 29th of the last month and paying the sum of $ 145.000 including the interest due to the above firm after the value of copper and Camphor delivered the said firm by the Mikado Gov has been deducted and duly calculated

With respect & consideration -
I remain Your Excellency's
H. J. Mc Veigh Minister
for F. A.

With dispatch No 257

No Legation in Japan

No 2.

Letter fr Jap. Minister
abnt settlement fr
Satsuma Ins claim

ack

DEPARTMENT OF STATE
RECEIVED
FEB 2 1872

Mr. Bate. No. 258 dispatch

United States Legation

Yokohama Japan

December 21st 1871

No 258

From C. E. De Long

Envoy Extraordinary &c

Contents.

Forwarding present from the Government of Japan to that of the U.S. of America, it being one box of paintings.

No 258 United States Legation

Japan December 21 st 1871

Sir

On yesterday I received from the Japanese Minister a Note (Enclosure No 1) with a box containing a present to the US Government; which I forward by express to your address

In reply I addressed and forwarded an answer. (Enclosure No 2)

I have the honor Sir, to remain Your most obedient Servt

B F De Long

Hon Hamilton Fish Secretary of State Washington D C

Japan Dec 21st 1871

6 E de Long

No 258

Two Inclosures

Received

Forwarding a passport from the Govt of Japan to that of the US.

No 58 U.S. Legation Yokohama.

Japan Dec 21st 1871

Their Excellencies

The Ministers for Foreign Affairs

&c & &c

Your Excellencies

The undersigned Envoy Extraordinary and Minister Plenipotentiary. has the honor to acknowledge on behalf of his Government the receipt this day of your beautiful present to the U. S. Government accompanying your Note of yesterdays date, and in the name of the U. S. Government to thank you most sincerily therefor.

I have the honor to remain

Yours with respect and consideration

(signed) C. E. De Long

Enclosure
With Despatch 258
Ms Legation Japan
1902
Note to Japanese
Ministers

Tokei, the 9th of the 11th month
4th year Meiji.

Your Excellency

Regarding the present of books, written by the distinguished naturalist Mr. James Audubon, from your Government to His Majesty the Tenno of Japan, we mentioned in our letter of thanks to your Government, that some article was preparing to be made for the purpose of presentation from His Majesty to your Government in return.

This article being now made, we have the honor to send it to you, as mentioned in the enclosed list, and beg you will have the goodness to present it to your Government.

With respects and consideration

(signed) Soe shima Taneomi

(signed) Terashima Munenori

H. I. J. M's Ministers for Foreign Affairs

ellency
Seddng.
Extraordinary &
ter Plenipotentiary
A. in Japan.

Enclosure
With dispatch No 258.

Legation Japan

No 1

Note from Japanese
Minister forwarding
passport to the Net
Government

Mark Bill & Aff Dr. Pratt

Legation Yokohama

Japan December 21st 1871

No 259

Sir

I & D Survey

Survey Extraordinary &c

Contents.

Information about the Japanese

Government having allowed certain claims

to the Estate of Messrs Walsh Hall & Co

and assigning any personal reasons

for having granted them without first

having forwarded them to Washington

DEPARTMENT RECEIVED FEB 2 1872 OF STATE

No 259 Legation Yokohama

Japan December 21st 1871

Sir.

During the last few weeks and since the receipt by me of your No 113. of date the 14th. day of Oct 1871. I was requested by Messrs Walsh Hall & Co to present to the Government their certain claims of theirs against amounting in the aggregate to the very large sum of nearly one million of dollars. I advised them in reply of the character of instructions I had received from you and declined at first to comply in any way with their request. Subsequently however when I was at the Foreign Office on other business

Hon Hamilton Fish

Secretary of State

Washington DC

business His Excellency Mr Terashima handed me for my examination and advice a draft of a Note that he proposes addressing to all of the Foreign Representatives, by which they are to be advised that the Japanese Government had organized a Judicial Department in which Department as in a Court all claims and demands against Japanese shall by foreigners would be openly examined after the form governing such examinations in Western States. But at the same time advising the Representatives that all complaints claims &c must be by them first addressed to the Office of Foreign Affairs which Office will then transmit to the Judicial Department for investigation and return and return the judgment to the Representative presenting the

Claim

Claim.

In the same conversation His Excellency informed me that the Imperial Government having recently abolished all of the Slaves (that is Dominates) and of course became responsible for all of their legal liabilities the Government was very desirous of having all claims filed by foreigners against any of the dominates communicated to it that it might know the extent of its chargeable of governmental liabilities

I advised His Excellency of your desire to have all claims first forwarded to you for examination before being presented to his government; but he remarked that unrestricted demands would be unnecessary to persons such a course with and inasmuch as his government was quite anxious to learn

the

the extent of this class of its liabilities he would feel obliged if I would communicate to him all demands of this nature laid by my Countrymen.

Telling him that under these circumstances you would probably not excuse my action I introduced Messrs Smith and Sothwood of the firm of Walsh Hall & Co to Mr Terashima and they made known certain demands laid by him which without written complaint Mr Terashima kindly agreed to see laid before his Finance Department for examination and appointment.

On yesterday whilst at the Foreign Office with Messrs Brown

and

and I intend discussing and explaining these claims with the Ministers of both Departments present they prepared and furnished me with a Note (Enclosure No 1) approving and assuming to pay certain of the demands others being still under consideration

The amount of these claims principal and interest assumed by them will not be far from Six Hundred Thousand Dollars and I think they will agree and assume and this for about two Hundred Thousand less than the sum first. Awaiting to your kind approval.

I remain Sir Your most

Obedient Servant, C. E. Darling

December 21st 1871

C E DeLong

No 259.

Received

on Invoice

Amt Claiming

Collected Claim as due

to Walsh Hall & Co

...ry of.
...lation.

Tokei the 9th of 10th month
of the 4th year Meiji.

Of the claims of Messrs Walsh. Hall & Co. against the several Hans, that have been lately handed into this Department, several have been examined by the Finance Department and the following viz:—

Toza,	original loan amounting	Rios	170,000.
—do.—	—do.—	$	200,000.
Numata	do.	Rios	3,700.
Mito	do.	Rios	62,029.
Taishu	do.	Rios	72,000.

I am advised by the Finance Department will be taken over and paid by it as found due principal and interest according to the original agreements less such amounts as

...s Excellency
...o. E. De Long
...voy Extraordinary and
...inister Plenipotentiary of the U. S.

as have been paid thereon. —
In regard to the interest, if by —
mutual agreement any reduction
is allowed it may be done and the
claims credited in such sum as
is allowed.

With respect & consideration

(signed) Tsushima Munemori
Vice Minister for
Foreign affairs.

Bureau d'expédition 20 5
Bulgarian Legation
No 1
Copy of despatch
from Minister of Foreign
Affairs & Worship
Enclosing Copy
of Protocol

Ent to Examiner of Claims Feb 3 No Patt.

Legation Japan

December 21st 1871

DEPARTMENT OF STATE RECEIVED FEB 22 1872

No 260

Wm

C & De Long

Envoy Extraordinary &c

Contents.

Reporting proceedings taken and judgments rendered in State actions at law commenced by Geo. Wilkins Lake against Wilbur F Mangum Esq.

Begun

No 260 Legation Japan

December 21st 1871

Sir

I have the honor to report to you that following as nearly as I could the line of your instructions contained in your No 97, of the 19th of August A.D 1871, and the opinion of Mr E Peshine Smith accompanying it. I have tried and decided the two actions at law commenced by George Welkins Lake as Plaintiff against Felix P Maguin as Defendant and the one commenced by the same Plaintiff

Hon

against

Hamilton Fish

Secretary of State

Washington D C

against Willie P Mangum and L
M Dent. —

Inclosures Nos one to twenty Nine
inclusive are copies of the documentary
evidence adduced during the three
trials. Enclosure No 30 is a copy
of the parol testimony, and No
Thirty One is a copy of the judgments
entered in the three cases, with
Newspaper copy also enclosed.

Trusting that you will pardon
the roughness of this despatch as
I am kindly excused by my preparations
for departure.

I have the honor to remain
Sir
Your Most obedient Servant
W E D Long

P.S. Notice of Appeal to the US Circuit Court
in California has just been received and filed in
Case No 2. — (Enclosure 32)

List of Enclosures.

No 1. Arbitration Agreement

No 2 Complaint of Mspri Adnair & Co in Stem action against Lake

No 3. Letter of W P Maugum & Wm Trumbly of Fogg & Co

No 4 Order of Maugum & the Mspri to suspend making an award

No 5. Adnair & Co & J W Lake agreeing to hold proceeds of sale of Mill subject to the decision of the Arbitrators

No 6 Order of Maugum to Lake directing him to not sell or remove the Mill

No 7. Arbitrators Award

No 8. Claim filed by Fogg & Co

No 9. Judgment in Case of Adnair & Co vs Lake

No 10. Letter from McCaslin & Lake advising him of the sale of the Mill

No 11

No 11. Letter of Mangum to Lake directing him to allow the delivery of the Mill to go on

No 12. Letter of Lake & McCaslin admitting validity of the Fogg claim

No 13. Original partnership Contract between McCaslin and Lake

No 14. Account filed by G W Lake

No 15. Lakes request to have the Mill Attached

No 16. Answer of Lake in the Admin Case

No 18. Order of Mangum to Lake to file his Answer in the Admin Case

No 18. Lakes Letter in reply to the Order

No 19. Commitment for Contempt

No 20 Attachment for Do

" 21. Copy of Court Docket in the Contempt Cases

No 22. Affidavit of Ferdinand Plate

No 23. Search Warrant

No 24

No 24. Letter of Lake to Mangum

" 25. Receipt of L McDuffie

" 26. Do "

" 27. Do "

" 28 " Despatch of Mangum to the Asst Secy of State

" 29. Letter of Asst-Secty of State to Hon B F Butler

" 30. Copy of Notes of parol evidence taken during the Trial

" 31. Printed Copy of Judgment of the Municipal Court

" 32. Newspaper Do

" 33. Notice of Appeal

C & E De Long

No 260

Thos Nelsons

Receiv

Reporting case
of Lake v Haugen

For original Enclosures to Mr
De Long's dispatch of the 21st
December. 1871. see beginning
of next volume № 20.

Act

Adm. H. Mc. Bonk

Legation Japan

December 21 ñ 1871

No 261.

DEPARTMENT OF STATE
RECEIVED
FEB
2
1872

Sirs

C. E. De Long

Envoy Extraordinary &c

Contents

Invitation to a private Audience with
His Majesty the Mikado Dec 14 ñ 1871

Detailed statement of proceedings.

No 26 United States Legation

December 21st 1871

Sir,

I have the honor to advise you that on the 12th inst I received a Note from His Excellencies the Minister for Foreign Affairs inviting me to visit His Majesty the Mikado at a Summer House in the Palace grounds to hold a Private Audience (Enclosure No 1) 11/26

I visited His Majesty this on the 14th inst - and was most kindly received Enclosures Nos 2 and 3 are reports of the formal speeches made by His Majesty and myself on that occasion 283/26

After the ceremonies of the Audience His Majesty's Ministers of State breakfasted with me and

Hon Hamilton Fish
Secretary of State
Washington DC

me

be indulged for many hours in long
& earnest and confidential conversation
in relation to the objects and purposes
of this Embassy about to leave with me
for Washington.

His Majesty presented me with a
writing desk and writing case; also one
piece of about ten yards of damask and
two rolls of velvet- containing about
ten yards each. which I accepted
subject to the permission of my
Government to retain the same

I have the honor to be
Sir Your Most Obdt. Servt
C. C. De Long

C. C. De Long
Lt. U.S. Navy
Attache Legation
Commander Edwards
Commander Brooke
Royal Navy

Copy of translation.

Yokei the 29th of 10th mo Meiji 4th yr.

His Excellency
E. E. De Long
Envoy Extraordinary & Minister Plenipotentiary
of the United States of America in Japan

I have the honor to inform Your Excellency that H. M. the Tenno of Japan will grant you a private audience in the Imperial Villa of Yamagata on the 8th of next month corresponding to the 14th December at 10 o'clock p.m. as you are about to leave Japan for a short time.

An officer from this Department will call upon you at the appointed time to serve as guide.

With respect and consideration
Terashima Munenori
H. J. M's Vice Minister for
Foreign Affairs.

with dispatch No 261

U. S. Legation in Japan

No 1

Letter of Jap. Minister
appointing a day for
farewell private audience
with the Mikado

Copy.

Your Majesty:

As the President of the United States earnestly desires to cement and increase the friendly relations existing between Your Majesty's Government and that of the United States he will I am sure hail with the greatest pleasure the arrival of Your Majesty's Ambassadors at Washington and with them will fully and freely confer relative to all subjects of concern to both nations to the end that a system for the regulation of the future relations between the two Governments may be devised that may be alike agreable to Your Majesty and himself as being in the best interests of Your Majesty's subjects and the citizens of the United States of America.

In this good work I can assure Your Majesty that the President's Ministers will cordially co-operate and none more heartily than I will myself.

I congratulate Your Majesty upon the wisdom displayed in sending this Embassy forth believing as I do that its observations and labors will result in great benefits and advantages to all nations but especially to that of Your Majesty And I assure Your

Majesty

Majesty that during the travels and sojourn of the Embassy in the United States that its members will receive at the hands of the Government and People of that country all of the attention and courtesies due to their exalted rank.

Enclosure
with Dispatch No 267
U.S. Legation in Japan

112

Copy to Secretary of
B & Dr dings to
the Mikado

Copy of translation

Since the reformation of my Government the intercourse with foreigners has become more cemented. accordingly I am about to dispatch Ambassadors to visit the Courts of every Treaty Power; to pay ceremonial visits to each power for the purpose of increasing the friendly relations now existing between the Treaty Powers and Japan.

The period of revising the Treaties concluded between Japan and all the Treaty Powers, is now approaching. upon which revision the internal affairs greatly depend. consequently I wish the Ambassadors to confer upon that matter directly with the Courts of all the Treaty Powers.

I pray you to submit to the President of the United States my views so that the Embassy will accomplish their mission — I hope you will have a safe journey over the wide ocean you must travel to reach your country.

with dispatch No 361

U.S. Legation in Japan

No 3

Speech of the Mikado
to H. E. De Long

RECEIVED MAY 16 1882
DEPARTMENT OF STATE

DEPARTMENT RECEIVED FEB 2 1872 OF STATE

No. 1 W. Mr. Batt

Legation Yokohama

Japan Dec 21st 1871

No 262

Hon. W. E. Dr Long

Envoy Extraordinary &c

Contents

Reporting further proceedings about
Mr Potmans premises Bluff Lot No 97
and his presenting a claim against-
me

No 262 Legation Yokohama

Dec 21st 1871

Sir

I have the honor to advise you that on the 24th of November last I received a Note from the Japanese Minister advising me that they would adopt my suggestions and allow Mr Portman to have Bluff Lot upon his paying the rents due thereon (Enclosure No 1). 1/262

On the same day I addressed Mr Portman a note addressing him of my receipt of this Note (Enclosure No 2) and 2/262
Enclosing him a Copy of the same

On the 9th of December I received a Note from Mr Portman in reply asking

Hon Hamilton Fish
Secretary of State
Washington DC

me to send him his original Lease and proposing a personal claim against me for the sum of Seven Hundred and Nineteen 20/ Pounds Dollars

3/26/2 (Enclosure No 3)

To this I returned a reply on the following day declining without some sufficient cause being shown to return the Lease and asking him some questions about his claim (Enclosure

4/26/2 No 4)

Mr Portman replied to this on the following day assigning his reasons for desiring the Lease, proposing to send a friend to mediate between us about our

5/26/2 difficulties &c (Enclosure No 5)

To this I at once replied agreeing

6/26/2 to his proposals. (Enclosure No 6)

A few days subsequently his friend called upon me to whom I delivered the original

Lease accepting a return of his cutlass
Copy in its place. His mind then
nothing to say about his claim business
except as he said to hear any proposals
I had to make and promising to call
again left me and I have not since
heard from him or Mr Portman.

I proposed to his mind to leave the
matter to any competent lawyer to pass
upon the question of legal liability and
damages. I pursue no intention
to upset our affairs assembly was entertained
either by himself or his friends and
I can only say that being confident
that I was but doing my duty in
in preserving him to compel him to
surrender up to me the property
of my Legation wrongfully in his
custody that I did right. I await-

His

No further action without Congress.

I have the honor to remain

Sir your most obedient Servant

C. C. De Long

List of Enclosures.

No 1. Letter from Japanese

No 2. Do De Long to Portman

No 3 Do Portman to De Long

No 4. Do De Long to Portman

No 5 Do Portman to De Long

No 6. Do De Long to Portman

C. C. De Long

No 262

Ex curr

Ex Do Enclosures

Admt Bur Nav

Claim of De Long

Ex Annex Claim

Examd Bur

(Copy Translation) Yokohama 10th of the 10th month
of the 4th year Meiji

Your Excellency.

I beg leave to acknowledge the receipt
of Your Excellency's letter of the 6th of
November 1871 in which you state that
the United States Government has never
claimed Bluff Lot No 97, in Yokohama
nor the said premises are at present at our
disposal and also that Mr Portman is
willing to settle the account of Beckmeyer
if a new lease would be issued to him

In reply I beg to state that the matter
having been communicated to the Chiji for
Kanagawa I have been informed that
there is no objection to adopt the course

His Excellency
H. W. Long
Envoy Extraordinary and Minister
Plenipotentiary of the U.S. of
America in Japan

Your

Correspondence by you in your Letter

I shall not desire you to direct Mr

Pakenham to apply to the Kanagawa

Ken for it

With respect & consideration

I remain Sir your

Very Obedient Servant

Enclosure

Mr. Pakenham

No. 262

Translation

No 1

Note from Japanese

Ministers respecting

the Prussian Ship

of War Stolzenfels

No 104. (Copy) U.S. Legation Yokohama

Nov 24th 1871

Sir

I beg leave to advise you of the receipt by me on yesterday of a Note from His Excellency the Minister for Foreign Affairs (Enclosure No 1) granting the payment made by Mr Alcock to Bluff Lot No 97, in this City.

You have therefore only to call at the office of the Governor of this Port pay such back rents as are due upon the premises and receive your title papers for the same.

I have the honor to remain

Sir

Your Most obedient Servant

C. E. DeLong

A. L. C. Portman Esq

Yokohama Japan

With dispatch No 262

Mr Legation Japan

No 2

Note to Mr Portman
Enclosing Note from the
Japanese Minister

(Copy) Yokohama December 9th 1871

Hon'ble H. De Long

&c &c &c

Sir.

In the hope of being able at the same time to inform you that the matter of Bluff Lot No 97 Harbour settled I delayed acknowledging the receipt of your letter of the 24th ult. which I received eight days ago on my return from a trip in the country. While a disposition on the part of the Japanese would appear to exist to act in the matter, I believe that if you would return me my original title deed of that Lot a satisfactory arrangement may be more readily arrived at. I beg therefore to request you to do so. That title deed can be of no service to you and the certified copy you gave me could replace it satisfactorily (as dent on the files of the Legation.

I trust I may be permitted to invite your attention to another matter viz to my loss I sustained at my late residence Deutshope in Yedo of furniture and which including a sum of $6.48/100 for which I put down at a low estimate at $300.00 still

further

further the amount of bill $719.25/100
I was compelled at a late date to pay
to Messrs Hall and Marks lawyers at
this place say $719.25/100 in all.

The State Department as you are
aware left the settlement of this unpleasant
matter to my discretion and it is in the
exercise of such discretion that I now
beg leave to propose if acceptable to you
to request Mr H Allen to call on you
with the object of amicably arranging
this little claim against you in my
behalf.

I shall therefore be obliged to you
for informing me if and when
it will be convenient with you
to receive a visit Mr Allen for that
purpose I have the honor to be
Sir most respectfully Your most
Obd Servt A L Portman

See Evans
Mitk Legislature 262

Molestation Captain

No 3

Note from A L Portman
Esqr
Claim for Molestation
Claim against Evans

Copy (No 117) Legation Dec 10th 1871

A L B Portman Esq

Sir, Acknowledging the receipt of your note of date yesterday I beg leave to say in reply that I am Japanese officials I deem that they stand ready to execute to you a new lease on the terms that you have asked it; and as you in your note do not state that the original paper is needed by you for any purpose I must respectfully decline to part the original leave my files at least until you or the Japanese say that it is necessary for your or their use, when that is so stated in direct language I will accept the certified copy and give you the original

As regards the concluding portion of your letter I would beg to ask you upon what ground do you claim a liability upon my part for any loss you sustained in Yedo I am sure I had nothing directly or indirectly to do with the affair of your being sued there in the Consulate or of your goods being seized

I cannot consent to your comparison about any matter that I have had no connection with

with rules first advised by you of the ground upon which you base your claim

The same information is hereby asked of you in person and not by proxy relative to the balance of the sum and you make.

At this moment I beg leave to thank you for your politeness in the matter and to assure you that I admire the spirit you manifest

I have the honor to remain

Sir Your Most obedient Servant

O E DeLong

Wm Augustus Hopkins
Lt USN
Secretary U.S. Board
Ordnance & Fortification
Washington D.C.

Private Unofficial 26 2

(Copy) Yokohama December 11th 1871

Hon C C & Long

&c &c &c

Sir.

I has the honor this morning to receive your letter dated yesterday and hasten to say that a Japanese Officer sufficiently showing that he had been properly authorized called on me two days ago to state that a mere little deed would be at once issued on my signing an agreement of the amount I would have to pay. Though that amount was rather high I agreed to this in order to end the matter. On the next day however another officer called who stated that a mistake had been made and I would have to pay still more. I believe he left me fully convinced that an exchange had been attempted. The matter is now under consideration and how long it will remain there I am unable to say. I am inclined to be hopeful, though remembering that an agreement has been broken already.

If I had my original title deed back again this bluff lot matter would be practically ended; there would be only the back

back nuts to pay. Unless my letter
shd be in my possession it is impossible
to say when and how the matter will be
settled and perhaps even I can do nothing
further without it-

I trust that the foregoing will be
deemed sufficient by you to show that
I have a claim on for that papers and
this for repeat my request that it may
be returned to me.

As to Mr Allen the matter I beg to say
that your consent to receive Mr Allen
implies nothing whatever

You agree to receive my attorney Mr
Marks but Mr Allen I thought wd
be more acceptable particularly to
yourself. He is generally respected
in Japan and has not one enemy

Mr Allen would personally explain
certain matters about which I desire
to avoid correspondence so as to prevent
beyond peradventure that no
further misunderstanding can
arise between us

This disposition I beg to submit, you

Can

Circumstances will afford to manifest
I trust I may be permitted thus far
to express the hope that you will be pleased
to reconsider your decision and
recall Mr Allen on my behalf.
I have the Honor to be
Sir Respectfully Your Most
Obedt Servant
A L Portman

With despatch No 262

Legation Japan

No 5

Portman to La Long
& Jamieson for leave
postponing to end Nov
Allen &c

Copy

No 718. U.S. Legation Japan Dec 7. 1871

A. L. C. Peterneuhy Esq
Yes

Acknowledgement of your favor of this date I beg leave to state that you seem to have entirely mistaken the meaning of my note of this morning. However it is sufficient to state that if the Allen calls upon me at any time during the next two days and brings the Certificate Copy of Deed to Lot No 97. I will give him the original for you and at the same time I will be pleased to converse with him respecting any matter you may delegate to him.

I have the honor to be &c

(Signed) C. E. De Long

Inclosure

No. Legation, Japan

With despatch No 262

No 6

De Long to Portman
Ordering to meet his
friend

A.K. Mr. Bortle

No. 263

Legation Japan

December 22nd 1871

From C. E. De Long

Envoy Extraordinary &c

Contents

Forwarding his testimony taken in
his A. L. Dunn & E. E. Rice examination
Matter

Enclosures in
letter room.

No 263

U.S. Legation Yokohama

Japan Dec 22nd 1871

Sir.

I have the honor to forward herewith the evidence taken by me at Hakodada and in this place in the matter of examining into the truth of the charges preferred by Mr A C Dunn against E C Rice Esq and vice versa also relative to the question of the title to lands held by Mr Rice at Hakodada

As I am fully occupied with my preparations to sail on the Steamer that leaves here to morrow and as I have not been able to get these evidences copied until this present time it not being quite all done yet I

Hon Hamilton Fish Cannot

Secretary of State

Washington D C

cannot possibly arrange this testimony so as to send it on by this mail in proper Enclosure form. I send it as it is with copious extracts from my Legation records prepared preliminarily by me. Hoping that you will find this examination to have been a full and complete one

I have the honor to remain

Sir

Your Most obedient Servant

C. E. DeLong

C. E. DeLong
No 263
Receives
Respecting Evidence
in Rejected Claims
Appropriation

Dec 22 2 1871

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With Mr. De Long's 163.

No 1 88 Rio 4 R 13 Van Valkenburgh &c

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Index

Ex No 1 Despatch. E. E. Rice to R B Van Valkenburgh dated Aug 20th 1868. detailing the arrival of the Berryne supposed to be the "Bertha" his taking possession of her. His difficulties with Berrick &c.

Ex No 2. E E Rice to R B Van Valkenburgh dated August 22d. 1868. detailing further proceedings (unimportant)

Ex No 3. R B Van Valkenburgh to George F Seward of date Aug 21st. 68. advising him of the arrival of the Cayalthe and asking him for any information he might have

Ex No 4. R B Van Valkenburgh to Sir Harry Parkes forwarding the complaint of Rice against Berrick & others.

Ex No 5. Harry S Parkes to R B Van Valkenburgh in reply. (unimportant)

Ex No 6. G F Seward to Van Valkenburgh Oct 14 1868 enclosing report of U S Consul at Nagasaki. (unimportant)

Ex No 6. ~~E E Rice~~ to E E Rice Van Valkenburgh Oct 29th 1868. advising him of the information received from China. That the Vessel is supposed to be the Cayalthe. Not to take possession of her but leave her and the Cochin to the Japanese authorities

Ex No 7. E E Rice to R B Van Valkenburgh Oct 22d/68 Delivers the Bark to the American built Peruvian owners asking for instructions & suggesting her sale

Ex No 8.

Ss Rice to Van Valkenburgh dated Nov 11th/68.
Earl English has arrived intimating from Nanasaki that if he found him to be American to take him. He found Sea letter Our List Clearance & other papers. details the evidence of the Chinese. & states that 1800 D. worth in gold coin has been found. & the money has probably been taken by foreigners

Ex No 9 = Ss Rice to Van Valkenburgh enclosing copy of Correspondence between the British Consul and himself about certain British subjects having taken spy glasses money &c from on board the Cayalle. (Unimportant)

Ex No 10. =

Ss Rice to RB Van Valkenburgh forwarding copy of Ships papers & testimony taken at the Examination

Ex Nos 11 & 12. Copies of Cayalles Papers

Ex No 13.

Portuguese Consul at Macao to Portuguese Consul at Hakodada. (Unimportant)

Ex No 14. Govt Secretary to Portuguese Consul at Macao. (Unimportant)

Ex No 15.

RB Van Valkenburgh to Secty of State No 121 dated 23 of Nov 1868 detailing that the Cayalle had arrived that he had instructed Rice not to take possession of her, detailing the information he received from China, the proceedings of an interview he had with the Portuguese Consul at Macao detailing the report of the Consul on the Examination made by Commander English the discovery of 1800 Dr in gold &c

No 16. Admiral Rowan to Van Valkenburgh
Dec 3rd 1868 detailing his views & opinions
about the Cayalte. (Unimportant)

No 17. George F Seward to R B Van Valkenburgh
Nov 31st 1868 recommending that the
Corlis be sent to China for trial & the Expenses
incurred drawn for on the Secty of the Treasury
of the US.

No 18. R B Van Valkenburgh to Dept. of State
No 129 of Dec 5th. 1868. forwarding copies
of Mr Rice Reports & their enclosures.

Ex No 19.
Van Valkenburgh to Rice. dated Dec 12. 1868
No 183. acknowledging receipt of his dispatches
directing him to hold the Chinese if the
Japanese refuse to do so. & advising him
that as Admiral Rowan is in possession of
the vessel he will take care of it.

Ex No 20.
Van Valkenburgh to Rowan No 188. Dated
Dec 17th. 1868. — (General & unimportant)

Ex No 21
Van Valkenburgh to Dept of State No 132
~~for~~ dated Dec 18th. 1868, ~~declaring~~ the
forwarding letter received by them from
Admiral Rowan.

No 45 U. S Consulate

Honolulu Aug: 20/1868.

Sir

Yesterday afternoon, (19th inst) about two o'clock, a bark of Spanish or American construction hove in sight and anchored. From her appearance I judged that she was in distress, and as soon as I could procure a boat went on board accompanied by a Chinese merchant. I found no European on board, and the vessel was in charge of some forty two Chinese. The had command, over on the bark "Bertha" 1836, which was in a leaky condition. The Chinese told me through the interpreter that they sailed from Macao, and had been to sea for six months, that the cargo

Continued

of silk, sugar, flour & wine, Prize.
a large wind the Capt escaped in
two of the boats, and they have been
drifting about ever since. I then
asked for her flag, they produced the
U.S. Ensign and said it was the flag
the Capt. hoisted when they left Macao.
I stowed the flag in the mizzen rigging
as the signal halyards were blown
away, and went below to search for
ships papers &c, found some twenty
papers like the enclosed, but nothing
whatever of merchants papers
as vessels are supposed to carry.
When I returned on deck, I found
the American flag torn down, and
on the Starboard side of the poop the
Prize Master in charge of
the

hoisting their Spanish flag in place
but I immediately ordered it to be
changed, telling him that if it
repeated the act I would treat
him into the sea, that I should pu-
nish in charge of the Custom House
officials. He then left. Shortly
I went on shore, turned the ship
over to the keeping of the Japanese
officials who immediately went on
board and remained. In the
night Barrick went on board, hoisted
the anchor, and brought her further
up into the harbor near their place
of business. At 8 A.M. this morning I
went on board, and at the same time
Barrick hoisted the Spanish flag
and soon after their Consul flag. I im-

on flag staff in the rigging of said
the Chinese had put Tom in charge
to repair the windlass &c. I left the
Japanese still on board, and called
at 6½ p.m. on the Consul, and told him
the above facts, and he prepared a
Circular warrant at my office at 10.
A.M., at which time said meeting was
held, all Consuls present. I stated
the case as far as I knew, the Turk
was sent for, and while he was making
his statement, Thos. Talbot came and
knocked, and advised him to go &
take the bark out of the harbor
hard, slip the cable, and, this was
readily complied by the Consul stand
ing near, who reported the same
and the court at once adjourned,
to meet on board ship, thus preventing
such

such a high handed crime committed by three imperial Subjects. It was painful duty indeed to be obliged to take down, in writing what was done, and the evidence taken on shore for the hearing and examination. At about 9 A.M. the Court again was seated and the Japanese were brought before the Court, when inquiries were made as to the knowledge of how or by whom it was done. As the English vessel was still not in harbour for high handed procedure on the part of the subjects, I am compelled to refer the matter to you for advice

or pursue to take such measures as
we shall deem proper in the premises.
On further examination we found
many marks of blood on the panelling
and carpet, partially obliterated and
probably quite recently, by scraping
and the use of lime. There can be
no doubt but that the Chinese are
Pirates, and that the Capt and crew
were cruelly butchered and thrown
overboard. The vessel is a new built
and is understood by the "Bertha"
built in Portsmouth N. Y. about 1835.
She is oak built sound and tight
about 250 tons. Her registry is in
the Custom House and Corporation
she has been very tough times, now
the Chinamen can go [illegible] here
if

indeed a mystery. One has been
drifting about here for some time, and
some ten days ago a vessel was
reported in Yokaina bay with Chinese
on board, which turns out to be the
same craft. I am not certain
it is the vessel sold in Nagasaki by
Townsend Harris some time previous
to 1859. She only cargo now on board
is some kerosene and a few sacks
of flour

A large business is done
with the Northern Provinces of Nippon.
Steamers of all nations are constantly
visiting all ports and parties with
arms, transporting troops for both
factions. The old Sir applies to me
as a steamer in Nagasaki bay, but on
account

arrangement was proposed in which I could not act, when the Texian Consul took the contract and bought the "River" on which he made a profit of $2800.00 and before he turned me over by Charter and purchase of Com made $6200 more. I cannot see the justice of preventing an American from making a living, and at the same time virtually assisting Frenchmen English and others, to make their fortunes especially when both parties of the Japanese display such determination to be supplied with foreign articles, in further consideration I have to request that your Excellency make a prompt demand that the Three Englishmen Dowick, Thompson, and Blackburn

this

treasonable, & severely punished.

for the insult offered to the American

Government, Flag, & its Consul.

at this place, as it was beyond a

question a premeditated and pre-

concerted insult to the above named

parties, by a desperate evil disposed

person or persons against person

property & Consular Dignity.

I am indebted to Capt Pearce of the

Steamer "Kagoshima" and Capt.

Stockenberg of the Bark "Caroline"

for active services on behalf of myself

and myself.

I am Sir Respectfully

Your obedient Servant

His Excellency E. E. Rice

U.S. Minister Resident

&c &c &c

Private — Aug. 22/63

Dear General

I cannot send the Coolie Contract, as whilst the Consular Court was temporally adjourned to visit the ships, some person took away all of them & as yet I am unable to find them

Under all the circumstances I would earnestly recommend you to send up a ships of war with the Portuguese Vessels in this affair or I fear I cannot get the Portuguese war Steamer now here to send up to take charge of the ship's & Chinese, as the matter now stands nothing will be done by the Japs. & the English are only thinking of plunder - totally ignore the fact Capt & Crew that have been so cruelly

Greatly considered. Besides, there
are many things I wish to conduct
with some one about — such as trade
of ships to persons of other treaty powers
than I know — they have been bought
by & paid for with Japs: money — chase
of ships, opening of regata, now open
to & occupied by Germans, Italies
French &c, also the conduct of the
present nominal Japs Govt = & a.
account of the manner business is done
by all other treaty powers, I am at
a loss how to act — under the ninth Art.
of Perry's treaty Guartner is now & has
been for the last 5 month constantly
employed selling guns & munition
to both sides and has made nearly
one hundred thousand dollars
much

much as could be said
made had it not been for the
Proclamation

No correspondence has been held
with the present officials except, in case
of clearance of ships

Yours truly

E. C. Kies

U.S.C.

P.S. Howell has resigned the
Portuguese consulate and at my
earnest request I have temporarily
taken charge

No 148 Legation re

Yokohama August 27/68

George F. Seward Esqre

Consul General of the United States in China

Shanghai,

Sir,

An American built bark having the name of "Bertha" 1836 on the ships bell arrived at Hakodadi on the 19th inst, in charge of forty two Chinese. Our Consul took at once possession of her, and learned from these Chinese on board that she had sailed from Macao about six months ago, and that the Master and men had left in two of her boats during a storm. When his mail left, the facts in this case had not been ascertained, and our Consul under some difficulties

difficulties was still investigating it.

I have now to request you to be pleased to furnish me with such information as you may possess or be able to obtain in regard to this back.

I am Sir &c

R. B. Van Valkenburgh

Minister Resident

No 149 Legation re

Yokohama August 27. 1868

Sir Harry S. Parkes K.C.B.

Her Britt. E.E. and M.P.

in Japan,

Sir.

The U.S. Consul at Hakodadi informs me that on the 19th instant an American brig bark, having the name "Bertha" 1836 on the ships bell, arrived at that port in charge only of forty two Chinese, from whom it was learned that she had sailed from Macao about six months ago under American colors.

The U.S. Consul took possession of this vessel by hoisting the American flag on, and while below to search for the ships papers, an English subject named Geo Bewick of the firm of Thompson & Bewick butchers,

hauled down the U. S. Ensign and hoisted his house flag in its place. This being promptly changed by the U.S. Consul the vessel was temporarily placed by him in charge of Japanese Custom House officials. It further appears that during a Consular meeting held on the subject at the U. S. Consulate, all the Consuls to whom it was communicated that it was intended by the butchers named to slip the vessels cable, and take her out of the harbor - unanimously resolved to proceed at once on board of her for the purpose of preventing such high-handed proceedings on the part of Bewick & Thompson & Bewick.

Those butchers who in addition to their house flag had also hoisted a Spanish

flag, were present when the American
Ensign was hauled down a second time.
This must have happened on the day
after the Consular meeting had been held.

I also learn, that there is reason
to suspect from the marks of blood found
on the vessel, that the Chinese murdered
the Master and crew. In the interest of
justice therefore it is important that
the nationality of this vessel and all that
relates to her voyage be placed in the
clearest possible light.

While thus briefly acquainting
you with such Information as I possess,
I beg to say that I do not wish to enter
at present into a consideration of the
irregularities that appear to have taken
place on the occasion of the "Bertha's arrival

arrival at Hakodadi, but request you to be pleased to furnish me with all the information that may have come to your knowledge in regard to this matter.

I have the honor &c

R. B. Van Valkenburgh

Minister Resident.

Geneva ua August 28 1868.

Dir

I have the honor to acknowledge the receipt of your letter of yesterday's date relative to the suspicions which attach to a foreign vessel manned only by Chinese and flying no national color, which recently arrived at this

date,

In reply to your request to be furnished with whatever information I may have received on this subject, I shall state that no official report has yet reached me from Her Majesty's Consul at that port probably because the investigation on which the Consular body was

ueral Vanbalkenburgh engaged.

United States Minister Resident

engaged had elected no risk at
the date of the departure of the last
vessel from Nakodate. With a view,
however, to put you in possession of
all that I have heard, I quote the
following passage from a private letter
from Her Majesty's Consul who is evident-
ly animated with a desire to ascertain
in connection with his colleague the
truth of a case which wears such a
doubtful appearance.

"A foreign built ship
"came into port a few days ago with
"two Chinese sailors on board and
"not an European. Her nationality is
unknown and it is very difficult to
make out what she is about. Her
Imperial Russian Consul laid claim

to

"to her as Italian bottom because she
"had some Italian boots on board.
"Mr Rice (U.S. Consul) claimed her
"because there was an American flag
"on board. But there are also Englis
"and Spanish flags on board to give
"similar color to their claims. The
"English comprador claimed her
"because he brought her in and the
"Chinese appointed him their captain
"In fact he had previously hoisted
"his house flag and the Spanish flag.
"We (i.e the Consuls) however persuaded
"the Japanese to take possession of her
"and the crew, and investigate the
"affair, for there is much that seems
"suspicious in connexion with the
"ship, and it would appear as if
endeavors

endeavors had been made to destroy the
"marks of blood. We have found
"Indian clothing and trunks, and
"children shoes, as soon as more is
"known I will write officially"

I have the honor to be

Sir

Your most obt humble Servt

(Sd) Harry. S. Parkes

Original Desp

U. S. Consulate General

Shanghai Oct 14th 1868.

His Excellency

Anson Burlingame

United States Minister

Pekin Japan

Sir

I have the honor to report that
I have received no response to my
note of the 9th inst. in relation to
the Chinese vessel

I have

the &c &c &c

Wm. H. Seward

U. S. Consulate at Hakodate

October 2d 1868.

Sir

I had the honor to receive your dispatch No 1, dated September 14th ultimo, & letter from the Minister Resident in Japan concerning a vessel arrived at Hakodate without European crew and in charge of forty three Chinese.

I am sorry to say, that up to the present moment neither the Tycoon Government nor any of the Consular authorities of the colony have been able to find out positive information as to name, destination &c. of the vessel referred to - By all the different surmises circulating here there is but one, which deserves notice

notice and has a bearing upon
which the Captain of the St Sal-
vadorian ship's Colors Hoarte"
met a wreck in the roads of
Callao.

David Capron stated in
a letter, addressed to the Consul
Secretary of the Colony, that during
the last Stay at Callao, in the month
of January, a barque under American
Colors, of the name "Cayalte" with a
small cargo, proceeded
down into the Chincha Islands &
when hoisted from there,
at the end of the year 1865, in the
Ship's Providencia and "Camillo
Cairon" was detached for one of
the northern Ports of Peru. On the

22nd of February, on which date
the ship "Eclair" left Callao
for the Marquesas Islands, never
had arrived previous to "Loyalty"
and it was then already taken
as granted, that she must have
met with some accident. The
Captain of the Loyalty said
to have taken on board at Callao
a crew of 12 persons besides
Sullivan, a circumstance leading
to the supposition that he himself
may have been murdered & the ship
stolen by the crew, who deserted &
afterwards in the Sandwich Islands
the vessel with the Chinese cook in it.

Although this is but mere surmise
still the description is to my mind

the vessel given by the Captain of
"Dolores Ugarte" and that received
a reprimand for agreeing in the
consular print and create the general
belief that the vessel in question must
be the "Cavalle" a Chilian vessel which
had changed her flag on account of
the war with Spain

I have the honor
&c &c &c

To, Edward Eg: (d) H. Abbe

U.S. Consul Genl acting U.S. Vice Consul

Shanghai

No. 173. Legation re

Yokohama Oct 29. 1868.

E. E. Rice Esq

U. S. Consul, Hakodate,

Sir,

Since your letter No 54 of the 20th inst. reached me, I received from China in reply to my enquiries all the information in regard to the Coolie vessel at your port obtainable in that quarter.

This information however is still imperfect as no evidence is yet furnished sufficient to warrant her being taken in charge by the Authorities of the United States. This vessel is supposed to be the 'Loyalty' owned in Chili, which owning to the war between that country and Spain, changed her flag. She is said to have been engaged under American colors

in

in the South Pacific coasting trade. When last heard from she sailed from one of the northern ports in Peru with some sixty coolies on board, and as her Master was known to have a sum of money of between $12000. and $15.000. dollars on board, there is a presumption of the crew having committed the murders of which the traces are still visible on the vessel, and further that after making off with the money, they turned the vessel adrift. It is for the Japanese Authorities to take care of these Chinese as subjects of a Non Treaty Power, and also of the vessel of which you will take no delivery, even if proffered by the local authorities until directed by me.

Detailed instructions will be promptly given you in regard to this vessel as soon as reliable

reliable evidence of her nationality, or instructions from Washington on the subject shall have reached me.

You will please communicate the substance of this letter to the local authorities at your port.

I am Sir &c

R. B. Van Valkenburgh

Minister Resident

U. S. Consulate

Yokohama Oct 20th 1860.

Sir

I have reason to believe that the North Pacific Steamer will with Passengers, mails and Cargo for the last time sail under the United States Flag - and will undoubtedly be transferred over to the Japanese Government.

Therefore I request your advice relative to the disposition of the mails and Ships

Any precedent of mine is, that the Ship should be sold here for the benefit of whom it may concern and the

Col H. H. Van Valkenburgh Consul

Gen. Minister Resident

Yedo Japan

certain Lieut of the Corps of
Engineers as Pilotee
The ship is old, in bad condition
and would cost at least two thousand
dollars before she would be seaworthy
Our Consul is not in possession
of facts concerning this affair up
to this date and has postponed to
communicate them to you.
The Russian Consul and
other persons here, have expressed much
disgust and contemptible light
on account of their action in this
affair.
There is nothing new relative
to the condition of Japanese affairs
since I last wrote.
Your letters of your address as above

I have the honor to be

Sir

Your obt Servant

A. A. Frisbie

Consul

Perhaps it would be well to communicate with the Peruvian Consul Genl at San Francisco

U. S. Consulate

Nagasaki Nov 11 1868

Sir

Capt Earl [illegible] of the U. S. S.
"Iroquois" arrived here on the 1st inst.
with orders from Admiral Rowan to
investigate the Barque "Loyalist" affair
and if he found her to be American
to take her to Shanghai.

On overhauling the vessel we
found a sea letter, Crew list, clearance
and other papers signed and sealed
by the U. S. Consul at Callao, copies
of which will be handed over to
Admiral Rowan.

One of the Chinese who had
been a sailor on board the Barque for
three (3) years, stated upon examination
that

= That the Boats would under cover
during that time — That three days af-
ter sailing from Cadiz, the Cook is armed with an axe
rushed on deck, drove the mate, Boats-
wain, and two other men overboard
.
covered a Boat and killed them while
struggling in the water. The balance
of the crew they tied to an anchor &
threw overboard. The Captain they
retained a prisoner on condition that
he would navigate the ship to China
he however took them to some island
north of this, where he left upon, pretence
of getting provisions, taking with him
the Chinese servant, from whom I
the ship managed to reach Calcutta,
since when you have been fully inform-
ed. I am indebted to the above

Eighteen

hundred ($150.00) dollars, - most of which
only has been found, and it is known
that the remainder is in the hands of
some Foreigners & natives here, but as
have as yet been unable to clearly
establish the proof against them
(enclosure marked A)

Finding the ship uninhabi-
table after a careful survey she has
been fitted up for wintering, and
left with the Chinamen in charge
of the Japanese government awaiting
further orders.

Great credit is due Capt.
English for the highly successful
manner in which he has conducted
the investigation finally obtaining
under the most perplexing
circumstances

the truth from what it would appear
an inexplicable web of lies.

I shall keep you advised
from time to time should anything
of importance occur

I have the honor to be

Sir

Your obedient Servant

To General

R. B. Farquhar Kimberley Consul

U.S. Minister Resident

Yedo Japan

Copie

No 37

U. S. Consulate

Marseilles nov 7th 1865

Sir

I have good reason to believe that Thompson & Patrick have received per Massachusetts, cotton taken from the American Ship "Corsair" that was destined for Liverpool

(41) Cancelled

Messrs Blackstone Noir & Co have received several consignments of cotton.

Therefore I respectfully request that all of the above mentioned subjects be examined under oath, and otherwise dealt with as in such cases made & provided

I have the honour to be

Sir

Your obt Servt

To Consul the

H. Vesden Esqr

H. B. M's Consul

Matadi.

The above is written under directions of capt Grandish (sd) R. E. R.

British Consulate

9th November 1869.

Sir

In reply to your despatch of this days date I take the liberty to point out that if you have any charge to bring against a British subject, it is necessary that this should

to proved by witness or written documents, and that I cannot put anyone on his oath whereby he might commit himself.

I have however seen the facts mentioned in your despatch.

In regards the Albinson he tells me what I mentioned to you on Saturday last, that he has no other information save than that a Japanese had asked him to exchange for Rs. and dollars. He does not know the man, but would recognize him, if brought before him.

I find on to-day's telegram that Mess.rs Jardine Matheson & Co, and Mess.rs Thompson & Dennick, have quite recently

commenced

on oath if you can substantiate the serious charge brought against them

I have the honor to be

Your Obt Servant

(Sd) H. Ewden

A. H. McClintock

U. S. Rec Ags

United States Consul

P.S You will see by the above what we have to contend with. Mr Ewden undoubtedly means well, is very rich but is afraid & has not the moral courage to bring this hard set, bring them to justice & the truth. Is there no way to bring this set to justice justice to justice?

Mr Ewden has to write about &

J

I have only a few moments to write the steamer Oaxaca leaves at midnight. Fail if you get this

Truly yours

(Sd) E. U. Rice

No 11 U. S. Consulate

Havredate Nov. 20 1868.

Sir

I have the honor to hand you inclosed copy of Testimony in the case of the "Ann Mark Bayatte" copy of Crew list, Sea Letter and Clearance from the U. S. Consulate in Calais and copy of Survey on said Bark, held by order of the Commander last English of the U. S. S. Iroquois

The only cause of importance since my No. 623 is the report that the Prince of Wales has joined the Southern faction. If true the time can not be far distant when the few remaining Southern Rebels must succumb.

I have the honor to

Sir

Your obedient Servant

E. A. Van Valkenburgh
U. S. Minister Resident

E. A. Rice
Consul

Gde

Despr.

— Para Pascamayo.

The Auditor of the Revenue

certifies

that the Peruvian Barque "Cayalti" proceeding

to Pascamayo on the 3d of the present month,

was despatched from this port destined to

Pascamayo and thence to this port to ago

what appears in the enclosed Policies noted

in the book of Customs —

Her Port dues were paid

in November last

Callao, 10th of January 1868

Charles

Camilla Salmon

Agent

REPUBLICA PERUANA

SELLO 4º
DOS SOLES
CUARENTA CENTAVOS

BIENIO DE
1867. 1868.

The Citizen José Vincente Canseco

Prefect of the Province of

Tacna Do hereby grant Capitain

Emanuel de Rivadeneira of the N. American Barque

Cap Horn duly licensed permission to Navigate

from this port to those of Caldera & Callao

Desiring Commanders of

vessels Flying the National Colors to observe

Due Obedience and to render assistance

in the name of the National Government all

possible aid

Given in the port of Tacna this 16th day of Jan. 1868

José V. Canseco

Prefect

J. H. McCully
U. S. Consul
Andw. W. Castle

PLURIBUS UNUM.

Navy Department of the United States.

List of the Officers & Crew of the Costa Americana Brig

Segunda of One hundred & twenty-eight (128) Tons Burthen

Built & Fitted out at Charleston & Prepared for and Commanded

by Capt. Wm. de Nicolini

Names	Class	Born
Juan Cudena	Supercargo	United States
Pedro Rodriques	Second Mate	
	Third "	
	Carpenter	
Jose	Steward	
Jose Casacondgui	Cook	
Jose Calderan	Seamen	
Jose Miranda	"	
Jose Zagalle		
Jose Fernandez	"	
Jose Sabra		
Jose Murcias	"	

This List includes the above-mentioned

Eleven (11) persons inclusive of the Captain

Salem 6th January 1845

(Signed) J. F. McCulley

U S Consul

per Edwd. H. Sawtell

U S Consular Seal

Consular Section Sir

I have the honor to acknowledge the receipt of the communication which you sent to his Excellency the Governor marked No 88, & dated the 20th of August last.

With the vessel which appeared in Hakodate is Portuguese property, the Portuguese Govt has nothing to do with her, nor has the order to expel from his Excellency relative to her, any effect.

By the notice which you saw in our Government Bulletin, & by the accompanying declaration of the Captain of the vessel "Dolores" "Aparil" you can see that these notships & "Bonanza" the vessel to which you refer in your letter, One decayed Brigantine of the Bark Line, differs greatly from that of the Ship "Dolores"

This note & the said declaration

with illustrations Sir you

The Portuguese Consul

Hakodate

Wm Evan Esq as you intended.

His Excellency also charges me to request you to Thank Lieut C. Bewicke for his letter of the 22d August, and for information concerning the vessel in question

Pray God watch over you

(Signature not legible)

Macao 19th Sept. 1868

Most illustrious Sir

I have received your letter
which you were kind enough to send me on
which you tell me that you have informed his
Excellency the Powers that I know anything
concerning a refugee who sailed from the port
of Callao, for other ports on the northern coast of
Peru, with cocoa on board, that said vessel
is considered lost, because, until now, nothing
from the said port of Callao in the month of
March, nothing had been heard of it, that
there is some analogy between said vessel
& one which has appeared in Hallodah
and you condescend to urge me to request me
to make a written and minute declaration
of all the details in my knowledge, this with
the satisfaction of the Public, and, if pos-
sible, in the following most correct

manner possible to me, I affirm

That I am

aware that, between the middle and the

end of the month of January of the present

year, the Barque "Cayalti", flying the U.S.

flag (which she had flown from the

commencement of the war between Spain

& Peru, while then) sailed from the Port of

Callao for one or more ports north of said

port of Callao, that said vessel was of

three hundred & fifty (350) to Four hundred

(400) Tons carrying capacity, that she

sailed without her owners, Don Julian

Zara Landajuri, & the captain who had

commanded her, that she had received on

board as passengers some Fifty (50) or Sixty

(60) Asiatic Coolies who arrived at Callao

about the end of the year 1867, some in the

the

ship "Providence" and one in the ship
"Camila Cabral", I discovered that she had
received on board some cargo as freight
but am ignorant of the kind & quantity
of it

On the 22nd of the following month (Febry.)
I sent the vessel "Dolores Mendez" from the
Chincha Island to Hongkong with a cargo of Guano
The Public was much occupied at that time
with conjectures as to the disappearance of the
said Barque Cayetti, because, having sailed
on a voyage of two or three days only, two months
had elapsed and nothing had been heard
of her. Commentaries on her disappearance
are rife, but none imagine that she may
have encountered a gale of wind, for none have occurred
recently on the coast of Peru - neither that
she had foundered through being overloaded

condition, For she was not much old yet. That

she has gone on shore on the coast, because

we dived a long time as has elapsed since

his disappearance, and we would know

of it, if it were so.

Some suppose that the natives

on board may have taken the vessel - but

with what object, when they could not sail

it? They were to be sent, nor how to manage

her well? Others suspect, and in this

supposition there is some foundation, that

the crew may have taken the vessel in

order to obtain the money (120 to 150 000)

which it is known, the Captain had

on board.

The vessel as I have before said

is Bark rigged of from 350 to 400 Tons

capacity, & is American construction

of

of about 1000 tons, the shape of her bow was that of a bell, her Poop extended forward to her Main Hatch, formerly on her stern was the Peruvian flag, She had the name "Elisa" & "Rosa Fabrica", Latterly, until her disappearance, that of "Cayalti"

This is all, upon the honor of a Gentleman that I can declare, which, I hope will convince his Excellency the Governor & the Public, that there is not the slightest foundation for believing that the Wreck which has appeared in Barbadoes & the "Providence" because she is a ships rigged vessel, and I know that the vessel there is the "Cayalti"

Wm Evans Sen.

Gregorio Heudebert, Jose Rey Said Government Secretary

Mary Ford made over Goods

Signature of Informant [illegible]

Macao

19th September 1868

Copy.

No 121 Legation re

Yokohama Nov 23. 1868

Secretary of State

Washington

Sir,

On the 19th Aug. last an American built bark arrived at Hakodate in a somewhat disabled condition with only 42 Chinese coolies on board.

From the informal & imperfect report of our Consul on the subject, it was evident that it had been impossible to elicit any information from those Coolies in relation to the vessels Nationality; the suspicion, as stains of blood could still be discerned on the Cabin, was strong against the coolies, that Master & Crew had met with foul play at their hands. The vessel remained in charge of the Japanese Authorities & I promptly instructed our Consul not to take

delivery of her nor to take any action whatever in the matter unless specially directed by me.

On enquiry in China, I learned that the vessel was in all probability - the "Loyalty" owned in Chili, but which during the recent war between that country and Spain had been engaged in the South Pacific Coasting trade under our flag. She was last heard from in Callao having sailed from there for one of the Northern ports in Peru, for account of a banker in Lima, to whom the coolies belonged or were under contract to labor. Since then I received a visit from a Mr Felipe la Torre Bueno Peruvian Consul at Macao I believe, who claimed that vessel from me, asserting that those coolies were worth $20.000. In reply I informed that functionary, that I could take no action whatever in that

matter until it could be proved that I had a perfect right to do so. Previous to this visit I had already intimated to Rear Admiral Rowan my desire, as he contemplated sending a vessel of the Squadron under his command to Kanagawa, that on such occasion the Commanding Officer might be directed to examine this matter, and I now have the honor to inform you that I received duplicate of a letter from Our Consul Mr Rice (the original having been forwarded via Shanghai) in which he reports that on the 1st inst. the "Iroquois" Com. English arrived at that port. Com English took the matter in hand and soon found "a Sea Letter" "crew list" clearance & other "papers" signed and sealed by the U.S. "Consul at Callao." The investigation

conducted by Com. English also disclosed the facts that this bark had sailed during the last three years under American colors, and that the crew had been murdered by the Chinese, who spared the master on condition of his navigating the bark to China. The master afterwards escaped on some Island where he landed in order to obtain provisions. A sum of $1800. in gold was also found and the vessel after a careful survey being deemed unseaworthy, had been fitted up for wintering at Hakodate and left in charge of the Japanese Authorities.

Rear Admiral Rowan has not yet communicated with me, and as it is probable a full report has already been sent by him to the Navy Dept I beg to refer you to that Dept. for such information. Should you be pleased to furnish me with instructions on the subject for my guidance.

I have &c

R. B. Van Valkenburgh

Minister Resident

Duplicate - Original sent via French mail

U.S. Flagship Hiogo

Asiatic Squadron

Shanghai Dec 3 1868

Lieut F.B. Carvalho Serqua

U.S. Consular Service

Yokohama

Sir

Commander English of the U.S.S.

Iroquois has returned from Nakodate

where he investigated the matter of the

Coolie ship which arrived there some

time in July or August last

It appears from the investigation

that the Bayetti showed remarkable

laxity under the U.S. Consular flag

flag, carried the U.S. Flag, taking

on board 181 coolies from the

Esperanza" for Portuguese Guiana.

Sup

ship) which had arrived there from
Macao, to transport them to some
other port in Peru - And that, on
the third day out, the coolies attacked
and murdered the crew and officers
- the master, and his cook (a Chinaman)
excepted; the master was spared on
condition that he would navigate
the ship to China, and the cook was
spared because he was a Chinaman
- The officers and crew were Peruvians
but the mate was what is termed
a white-washed American - that
is under the American flag - and
double has an American owner
I think the evidence sufficient
to prove this fact.

The Vessel is now in charge

of our Consul at Hakodate, and the
coolies are in jail awaiting the de-
cision in this case — The ship is safely
moored in Hakodate Bay. Under
the circumstances, there seems to be
reason to believe that these coolies
are guilty of Piracy under the law
of nations, and it appears to me
that, in default of a regularly
established system of Courts in
Japan, these men should either
be carried to the United States for
trial, or to China, to be tried by
the mixed Court at Shanghai
under the supervision and con-
trol of the U.S. Consul General at
that place.

I am of the opinion that

the

the latter course is the best, on account of the defence attending the case, and for the reason that these authorities are perhaps the best in which to place the trial of their own subjects, should there be any question of their act proving to be Piracy, such a course would appear to concede to the Chinese Government a grabbing for the rights of nations, which the U. S. Govt

favor.

However, the disposition to be made of this case is one which pertains specially to civil jurisdiction, and I leave it in your hands giving you the facts in the case.

I presume the Consul at Kanagawa has furnished you with

copies

copies of the ship's papers, and of the investigation had before Commander English and the Consul - if he has not, I will do so if you desire it

Nine persons might be sent to Shanghai in a draft, by vessels going there from Nagasaki or one vessel could easily carry them, if they were put in irons

There are some eighteen hundred (1800) dollars in the possession of the U.S. Consul at Nagasaki, taken from the crew of the Simoda

Your obedient servant

(Sd)

Rear Admiral

Com. Asiatic Squadron

Received No 11.

U.S. Consulate General

Shanghai Nov. 30th 1868.

Honorable R. H. Van Valkenburgh

United States minister

to Japan. — Yeddo

Sir

Admiral Rowan has, I believe sent to you Capt. Engle's report of his examination of the Chinese at Hakodadi who brought in the Chinese barque "Lavata"

My opinion is that these Chinese can only be tried in the United States, or in China. They cannot be tried in Japan, because strictly speaking the Chinese are not pirates according to the law of nations or

that

description of piracy which may be tried
in any country where the offenders may
first be brought. It has been committed
on the high seas, by persons sailing un-
der our flag, and on persons sailing
with them in the same vessel, and
therefore triable only by our Courts or
in the Courts of the nations to which
the offenders belong. It is moreover
questionable whether in a case of
piracy under the law of nations we
have any right to detain outside
nation to try pirates taken into its
ports by us, or whether the courts of
Japan are of such character that
we can trust them to do justice in
cases of the kind in which the of-
fenders are not naturally subject to

Japan.

I have stated this question to Admiral Kowan, and told him that I believe the best course is to send the Chinese here for trial by the Chinese authorities. This would save the expense of sending them to America, and perhaps would serve the interest of justice, for in the absence witnesses it might be difficult to convict the Chinese in our own Courts of the crime, properly of the merits of the case.

The Chinese could be sent down from Honolulu in merchant vessels together or in two or three parties.

The expense incurred could be drawn for by draft on the Secretary of the Treasury, either at Honolulu, or here.

If

It is probable that you have arrived at a similar conclusion. My object in writing is to say that should such be the case, and should you direct the Consul at Hakodade to send the men here, I will be prepared to receive them and conduct the matter with the authorities

I have

&c &c &c

(sd) Geo. F. Seward

United States Consul General

Copy.

No 139 Legation &c

Yokohama Dec 5. 1868.

Secretary of State

Washington

Sir,

With reference to my despatch No 131 of the 28th ultimo. I have the honor to transmit herewith enclosure No 1 copy of a letter with enclosures from Mr Rice our Consul at Hakodate dated the 11th ult. received by me yesterday, & further Enclosure No 2. copy of a letter from the same, dated the 20th ult. covering copy of testimony in the Bark "Cayalti" case, which was received by me this day. This correspondence embraces all the information in my possession in regard to this matter, and I now at last enabled to apply to you for instructions for my guidance. I have &c

A Bowman Valkenburgh

Minister Resident.

No 183. Legation &c

Yokohama Dec 12. 1868.

E. E. Rice Esq.

U.S. Consul, Hakodate,

Sir,

I acknowledge receipt through you of the evidence taken by Commander Earl English of the U.S.S. "Iroquois" in the case of the Chinese Coolies on board the "Caiyalti." A copy of this evidence I shall forward to the State Department at Washington and ask from them instructions. In the meantime if possible let the Japanese Government keep charge and possession of the Coolies as prisoners, but should they refuse further to hold them, it will be your duty to take charge of them and hold them as prisoners, until we can

receive

receive instructions.

Rear Admiral Rowan having taken charge of the vessel I suppose he has given the necessary instructions for her detention.

I am Sir &c

R. B. Van Valkenburgh

Minister Resident.

No 188 Legation re

Yokohama Dec 17. 1868.

Rear Admiral S. C. Rowan

Comdg U. S. Asiatic Squadron

Hong Kong re

Sir,

I have the honor to acknowledge the receipt this day of your letter of the 3d inst, and beg to tender you my thanks for the very prompt and efficient manner, in which the investigation into the case of the American bark "Cayalti" at Hakodate has been conducted by Lieut. English of the U. S. S. "Iroquois" under your instructions. Copies of the ships papers have been duly furnished me by the U. S. Consul at that port. I am now enabled therefore to transmit to the State Department all the documents on the "Cayalti" case, with the

the view of inviting specific instructions for my guidance. Although the facts now known are perhaps sufficient to warrant my taking action in the matter, I prefer to await such instructions thinking it quite probable that representations on this subject have been made in Washington by Peruvian, Chilean or United States Authorities in the two countries last

mentioned, which may affect the decision ultimately to be taken in this case.

It so happens that the U. S. Consul at Mahodato is virtually debarred from taking judicial action in any matter that may arise, owing to the absence at that port of American residents competent to discharge the duties of Assessors in accordance with the requirements of the act of Congress conferring judicial powers

on

or Ministers, Consuls and other functionaries in Japan, China and other countries named.

If therefore any discretionary power be granted me by the State Department, I would suggest, that Yokohama, as the nearest port to Hakodadi, be selected for the judicial settlement of all such questions relating to the ship 'Loyalté' or the Chinese on board, as may require to be disposed of at the time, when the instructions applied for shall have been received.

I have &c

R. B. Van Valkenburgh

Minister Resident

No 134 Legation &c

Yokohama Dec 18, 1868.

Secretary of State

Sir,

With further reference to my despatches relating to the American bark "Gayaeli" at Hakodate, I now have the honor to transmit herewith Enclosure No 1, Copy of a letter recd by me from Rear Admiral Rowan on the subject and Enclosure No 2 copy of my reply.

I have &c

A. B. Van Valkenburgh

Minister Resident.

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Ex No 2 = De Long to Dept of State - No 13. Dated Nov 20th. 1869. advising of the instructions given to Mr Rice about the Cayalla.

Ex No 3 = De Long to ~~Japanese~~ Peruvian Minister No 139. of date Nov 22nd. 1870 advising about the Ship Cayalla

Ex No 4 = Japanese Minister to C C De Long Nov 22 1870. advising of their intention to sell the Cayalla in 120 days.

Ex No 5 = De Long to Japanese Minister No 144. of Nov 24th. 1870. forbidding them as Representatives for Peru from selling the vessel.

Ex No 6 = Japanese Minister to C C De Long Dec 4th. 1870 acknowledging receipt of No 144. & promising to advise their local authorities

Ex No 7 = C C De Long to A G Denn No 170 of Dec 11th. 1870. — You will hold the Cayalla subject to further orders from me and in the meantime receive any proofs of claims against her that may be offered.

Ex No 8 = Jno H Sievan to R B Van Valkenburgh No 111. of Jany 12 1869 — The Cayalla appears to have been engaged in an unlawful business. It is doubtful if any Citizen owns her. It is hoped the Japanese authorities will co-operate to bring and suppress the Coolie business. — Your conduct is not unbecoming approved.

Ex No 9. = Same to Same No 119. of dated Feb 19th. 1869 — There is no proof that the Cayalla's owners are Citizens — The Coolies are not prisoners they acted to regain their liberty and fall under the rule laid down by the Supreme Court in the case of the Amistad

Ex No 10 = Willi P Mangum to R B Van Valkenburgh No 30. of May 21st 1869. communicating letter & Power of attorney from one Juan Cordova

Ex No 11 = The Juan Cordova Power of Attorney.

Ex No 12 = R B Van Valkenburgh to Willi P Mangum No 63. of June 3rd 1869. in reply to the Juan Cordova claim & the Cayatte.

Ex No 13 = Mangum to Van Valkenburgh in reply.

Ex No 14. Secty of State to Dr Long No 40 of Aug 26th 1869. Saying. There is no sufficient evidence that the Cayatte was American owned; that if she was it is clear she was engaged in violating our laws & the owners are not in a condition to invoke the aid of the Government.

Ex No 15 = E E Rice to Van Valkenburgh No 67. of Sept 10th 1869. saying that as claims exist against the Cayatte under she is desirous that he may sell her.

Ex No 16 = Report of Board of Survey of the Cayatte

Ex No 17 = B Jenkins US Consul at Shanghai to the US Minister in Japan No 15 of Oct 29th 1869. forwarding copy of his Letter to Mr E Rice & copy of the Bill of Mr E E Rice against the Chinese Government which he had forwarded for Collection $2266.25/100

Ex No 18 – Bill of Mr Rice against Chinese Govt, & Copy of Mr Jenkins Letter to Mr Rice

Ex No 19 = E E Rice to C C & A Long No – Nov 19th 1869. asking permission to sell the Cayatte and pay the charges outstanding against her

Copy.

No 100 Legation re

Yokohama Nov 20. 1869

E. E. Rice Esqre

U.S. Consul, Hakodadi;

Sir,

In reply to your letter of yesterday and in compliance with instructions from the Dept of State dated the 28th Aug. last, desiring me to communicate to you the views of the Dept in the case of the bark "Loyalti" at Hakodate, I have now to inform you that it does not appear by any sufficient evidence that the "Loyalti" was an Am. vessel, and that if she was a vessel of the US., and if her owner was a citizen of the US. it is pretty clear from the evidence that there is good ground to suppose that both he and his vessel was engaged in violating the

4

the provisions of the Act for prohibiting
the Coolie trade passed Feb. 19. 1862, and
that he is not in a position to invoke the
aid of the Govt. or of any of its Agents.

I am Sir &c

C. E. De Long

Minister Resident

No 83.
(No 7.)

Legation &c

Yokohama Nov 20. 1869.

Secretary of State

Sir,

I have the honor to acknowledge the receipt of your despatch No 4 of the 20th Aug. last relating to the bark "Loyalty" at Hakodate.

Our Consul at that port, who happened to be here, addressed me an informal inquiry in writing on the subject and I now transmit Enclosure No 1, copy of my reply, of which I trust you will be pleased to approve.

I have &c

C. E. DeLong

Minister Resident.

No 139 Yokohama Japan

November 22d - 1870.

To the Minister of Foreign Affairs,

Lor Peru.

In August 1868 the bark "Cayalti" arrived at the port of Hakodadi Japan, from the port of Callao Peru, with about forty (40) chinese coolies on board. Upon investigation it was found that the vessel left Callao on the 16th of January previous, for the port of Pacasamayo y Chempi, Capt. D. Manuel de Nividia in command, that on the next day 17th of January, the coolies attacked and killed the Captain and crew, sparing the life of one Juan Guidina (the supposed owner) to navigate the vessel for China. They brought up in the Okotsk Sea, when the said Juan Guidina with his chinese servant succeeded in making his escape. Upon arriving at Hakodadi the ship was taken

possession of by the Japanese Authorities and the coolies imprisoned for more than one year, at the expiration of which time, having heard nothing from any owner or Agent of said ship, at their earnest request the American Consul forwarded the coolies to China. The Japanese Authorities having many times demanded payment for the expenses incurred amounting to over Two thousand Dollars ($2.000.) and declining to have anything to do with the ship, the American Consul succeeded in obtaining the money to meet their bills, and the ship is now held for the payment of the same. As it is now more than two years since the vessel arrived unless she is soon sold she will not bring enough to cover the expenses and I would recommend that she be either sold at Public Auction, or transferred to

to J. M. Batcheeder Esqre. from whom the money was obtained to satisfy the demands of the Japanese Government. Full accounts of the examination of the Coolees with copies of the Ships papers were forwarded at the time from Hakodadi to the Consul for Peru residing in San Francisco, but nothing has been heard from them. As I have been requested by the Secretary of State of the United States to take charge of the interests of the Peruvian Government in Japan, I have felt it my duty to give you these facts, and trust that by early opportunity, I shall receive authority from you to act in the premises.

I have the honor &c

L. S. DeLong

U.S. Minister Resident

and Ex. Officio Minister for Peru.

Inclosure No 2 in Despatch

of the 2nd year of Meiji

Nov 22nd 1870

On the 2nd of the month of the 1st

year Meiji 19th of September 1868, a

vessel (bark) having a Steam tug

has entered the bay of Hakodate,

on the visit of custom house officials,

they had found no master but found

eight Chinese on board and could

not even know the name of vessel

nor her nationality and were at

the loss, the fact was communicated

to the Consul of Great Britain at

the presidency on the subject and

on by the request of our Consul the

Chinese Emperor had been rescued

over to him, but the said Bark being

His Excellency H. S. De Long

Minister Resident of the United States

in vain in Hakodate causing not
only the obstacle to the shipping but
worthless expenses, we therefore beg to
give you notice that unless the owner
if any of more goods will claim
the same within 120 days from
the 29th November we will entreat the
Governor of Hakodate to take possession
of them and to be placed entirely at
his disposal

Your reply is requested

Sawa no Sami

Terajima Shui

Ministers for foreign affairs

(22nd of November 1870)

Copy.

No 144 U.S. Legation Yokohama

Japan Nov 24. 1870

To the Japanese Ministers of F. A.

Sirs,

I beg leave to acknowledge the receipt of your despatch of the 29th of the 10th month 3d year Meeji in reference to the Bark at Hakodadi.

I presume that the vessel you refer to is the Barque "Cayalti" if so, I beg to inform you that as the Representative of Peru, on behalf of that Government I claim that vessel and request no interference with her will be made or allowed by your Government Officers. I have written to the Govt of Peru by the mail that sails tomorrow asking directions in regard to the Barque; as soon as I receive a reply I will communicate my instructions to you.

With respect &c

C. E. DeLong

US Minister Resident &c

Treasury Department

Office of the Secretary

Dec 4th 1871

Acknowledging the receipt of your letter of 24th November 1871 in reply last despatch stating that the Peruvian ship Callao will be the "Lord Clyde" and if so she is the vessel of Peru, and that you will communicate my intention in regard with the Peruvian Government direction from the Govt of Peru, which you have received by the last mail permit me to say in reply

I am informed that the Peruvian "Callao" the local authorities at Callao have already communicated to them Consent to be inspected under the Act

Respectfully &c &c &c

Your

Obt Servt

U.S. Steamer Resident

delivery of the Letter on board the Iris
to your Consul and the accounts this bearer
for his services in Batavia will be sent
I will transmit to the local authorities there
the contents of your letter in this respect
at the same time I request your Excellency
to write the foregoing to your Consul there

With Respect & Consideration

Dawa &c &c

Minister for Foreign Affairs

(4th of December 1870)

Copy.

No 170 U.S. Legation Yokohama

Japan December 10. 1870.

A. C. Dunn Esq

U.S. Consul Hakodate,

Sir,

In answer to your despatch No 37 of this series, I am advised you as follows:

In regard to individual claims against Mr E. E. Rice such as those you mention of Mr Howell, Mr Wilkie and others, you will advise them and all others that your Consular Court is open to them for such civil redress as they may feel warranted in seeking.

Beyond that the State Department will best advise you what course if any to pursue.

With regard to the Barque "Cayalti" as I have previously advised you; you will hold her subject to further instructions in the premises

premises from me; in the meantime however if the Japanese Authorities or any other parties prefer any claims against that vessel or her owners, you will receive such proofs in support of such claims as may be offered. And also you will please take such testimony as may be accessable to you without trouble or outlay, to show just the condition of the vessel when she arrived at Hakodate; what persons and property was on board of her, what became of the same, and all and just what has been done with the vessel since that time. all of this evidence you will please have ready to report to me when asked for it. As to the land in Hakodadi claimed by Mr Rice that you refer to; you will inform the Japanese that if they have any claims

for rent for it, or any claim to the land itself, that they must first reduce their complaint to writing and submit it to you; and that then you will if you think it is necessary lay their complaint before me for further instructions.

I regret exceedingly that you have found the affairs of your office so badly arranged and I trust that by your energy you will soon be enabled to place them on a proper footing.

I am Sir &c

C. E. de Long

Minister Resident.

No. 111

Department of State

Washington January 21st

H. B. Van Valkenburgh Esqr

&c &c &c Lima

Sir.

I have to acknowledge the receipt of your despatch No 210 of November 23d 1848. relative to a bark supposed to be the "Espalte" American built, but owned by citizens of Chile or Peru, which has been brought into Valparaiso. The imperfect information you have been able to communicate goes to shew that the vessel having been engaged on the coast of Peru in the transportation of Coolies, they received their liberty by killing all the ships officers and crew

consider Captain.

4. Inhabitants doubtful whether any of
our citizens are interested in the ves-
sel and the Government certainly
can take no part in adjusting
the claims to the service from
which they have escaped. It
will be disapproved if the authori-
ty of Japan do not sympathize with
those of this country and of China
in determining the whole trade,
Your conduct in abstaining from
interference in the case is approved.

5. Applications will be made to the
New Department for such inform-
ation as may be in its possession,
with a view to such further
instructions as may be necessary

I am, Sir

Your obedient Servant

William Seward.

Number 119 Department of State

Washington, February 19 1859.

To H. V. Jan Ts Kleinburgh Esq.

&c &c &c Peru

Sir

I have to acknowledge the receipt of your despatches Nos 129 & 132 dated respectively December 5th & 13th ult. both of which relate to the U.S. Vessel "Cayalá" at Falmouth. The documents tend to prove that the officers and crew of the vessel were Peruvians and that though the flag of the United States had been assumed with a view to protect the property from belligerent captures during the war between Peru & Spain, the real owners were the Captain who is stated to have been a Portuguese and Don Julian Zara (supposed to be one of the witnesses Calandrina) & to whom

Whom there is no proof or suspicion that
they were citizens of the United States.
The presumption is that the use of our
flag was a fraud and cheat to which
this government can give no effect.
In respect to the suggestion of Adv.
Rowan, that "There is reason to believe
that these exiles are guilty of piracy and
the law of nations". I have to say that
the evidence goes to show that their object
in capturing the vessel was not robbery and
plunder nor did they manifest or ap-
pear to have contemplated that general
hostility which enters into the definition
of the crime. The motive, according to
all the evidence, was to effect their return
to their native land. We may adopt
& think the language of the Supreme
Court

court of the United States, then delivering its opinion upon a somewhat similar case, & he may ~~have~~ lament the dreadful acts by which they asserted their liberty and took possession of the "Amistad" and endeavored to regain their native country, but they cannot be deemed pirates or robbers in the sense of the law of nations (15 Peters R. 594)

I am, Sir,

Your Obedient Servant

(Signed) William H. Seward

No 30 Consulate of the United States

Nagasaki May 21st 1866.

Sir

I have the honor to forward herewith enclosed copies of a letter and power of Attorney from Juan Codina of Callao received by the last Pacific mail, relative to the Bark Cavalié

Enclosure No 1 Copy of letter from Juan Codina, Enclosure No 2 Copy of Power of Attorney from Juan Codina. These papers were sent through the U.S. Consulate at Callao and explain themselves.

I understand that the Bark is still at Honolulu, but I do not know whether Mr Bond Central Hemburgh is the U.S. Minister Resident

2 copies

the true state of the circumstances in which she is placed, and will thank you to give me instructions how to proceed in the matter.

I have the honor to be

Sir

Your most Obt Servant

Willis T. Mangum

U.S. Consul

Tina February 26th

Wm. C. Marcum Esq.

Consul of the United States of

America at the port of Nagasaki

Japan

Dear Sir

Enclosed please

find my power to sell my Pasture "Cayalti"

and to remit the proceeds deducting the

expenses, to Messrs Farwell & Co of

Lima

Remain

Dear Sir

Yours Truly

(Sd) Juan Cadina

Know all men by these presents that I, John
Cadwalader of the United States of America
, Master mariner in Callao, Republic of Peru
late owner of the American Bark Capitola now
made, constituted & appointed Wm. P. Manoum
Consul of the United States of America, at the
port of Nagasaki in the Empire of Japan, a true
and lawful attorney for me and in my name
place and stead, and on my behalf to sell
the above named Bark "Capitola" her boats, guns
, sails, tackle, chains, anchors, and all things
, thereunto belonging or found on board of the same
and to do and execute for which are to be
subject to all orders, giving and granting unto
my said attorney full power to act and generally
to do and perform all and every act and thing
whatsoever requisite & proper to be effectuated about
in the premises as fully to all intents and

to all intents and purposes as the same could do if personally present and hereby ratifying and confirming whatsoever my said attorney shall or may lawfully do by virtue hereof in the premises.

In witness whereof, I have hereunto set my hand and affixed my seal this Twenty-sixth day of February, in the year of our Lord 1869.

(Signed) Juan Cardona (L.S.)

Consulate of the United States

Callao February 26/86

I the undersigned Consul of the United States of America at Callao do hereby certify that the above and foregoing signature, made & acknowledged in my presence, for the purpose there-

[illegible] and advances entitled to

full faith and credit.

In testimonium [illegible]

(Signed) J. F. McCollum

L.S.

U.S. Consul

No 63 Legation &c

Yokohama June 3. 1869

W. P. Marquand Esqre

U.S. Consul Nagasaki,

Sir,

I have to acknowledge the receipt of your letter with enclosures relative to the bark "Loyalty" at Hakodadi, and in reply to inform you that I have forwarded copies of those papers to the Department in Washington and applied for instructions for my guidance.

I am Sir, &c

R. B. Van Valkenburgh

Minister Resident.

No 2 Consular of the United States

Nagasaki, July 12th, 1860.

Sir

I have the honor to acknowledge the receipt of your despatch of the 2nd ult, informing me of the receipt of mine relative to the bk "Cayalt", and that you had forwarded it with its enclosures, to the Department at Washington and asked for instructions on the subject.

I have the honor to be

Sir

Your Most Obt Servt

To Wm B Marquand

His Excellency U. S. Consul

Hon R. B. Van Valkenburgh

United States Minister Resident

at Kanagawa Japan

U. S. Department of State

Washington, October 26 1869.

To Charles C. De Leon Esq.

&c. &c. &c. Jedo.

Sir

Referring to Mr Van Valkenburgh's No 41, dated the 3rd June, last, I have to say that it does not appear by any sufficient evidence that the "Corralie" was an American vessel.

If she was a vessel of the United States and if her owner was a citizen of the United States, it is pretty clear from the evidence that there is good ground to suppose that both he and his vessel were engaged in violating the provisions of the Act for prohibiting the coolie trade, passed February 19-1862, and published in the

the 12th volume of the Statutes at Large,
page 340, and that he is not in a position
to invoke the aid of the Government of
any of its agents.

Will you please to communicate
to the Consul at Halifax the views of the
Department on the case.

I am Sir

Your obedient Servant

J. C. B. Davis

Acting Secretary

12.

Number

No 6. United States Consulate

Yokohama September 9 1869.

Sir

I have the honor to transmit herewith for your consideration Report of Survey on the Am. Bk "Loyalty" now in this harbor, awaiting the action of our Government in the case - full particulars of which I have forwarded to you at a previous period.

I beg that you will note the fact, that the vessel will soon be worthless, that several parties having claims against her, are desirous of a settlement, and desire me, whether to sell her at public auction, or let her remain unbroken ? Your answer should be forwarded by mail

Yr. Ob. Svt.

R. Van Valkenburgh

U. S. Consular Agent

Yoko

I have the honor to be sir

very Respectfully

(signed) E. E. Rice

U.S. Consul

In furtherance to the accompanying Warrant of survey to us directed by E. Ed. Weir Esq. U. S. Consul at Tamatave, We the undersigned repaired alongside and on board the American barque "Loyalty" from Peru, of the burthen of about three hundred (300) tons arrived in this port from Callao with Chinese coolies only on board in August 1868 in ballast. And after a careful and minute examination of every part of the hull, Spars, rigging, sails etc, do report as follows

Found the outside of the hull from copper to rail, decks and butts very black and pitchy and all the planks and bulwarks outside very much rent and split by the sun and

very rusty, the general appearance
of the hull outside dramatic. A portion
of the coppers off on both sides of the bow.
The cutwater badly chafed, the head
rails and checks knees rotten, the
wooden ends aft started and in some
places rotten. Rudder head rotten, steer-
ing wheel broken and useless rail
round the poop, rotten and weather-
worn. Wheel gear blocks and tiller
broken and weather furnished (useless)
water ways and planks shore around
the poop very much rent by the sun
and rotten in places. After skylight
and companion broken and sun rent
poop deck very slack open and bad
sun rent. After hatches and combing
rotten, combings around the gear broken
maintenance
cracked

1/

cracked, split, trunnels and gear
broken and worthless. Carvel bulk
and combings rotten Maindeck water-
ways & planks shear very much rent
and in places decayed, Forehatch &
combings badly cracked and rent by
the sun. Main rail deck stanchions
fair rail cracked and weather peices
waterlass and gear broken completely
useless. Top-gallant forecastle rail
broken in places rotten, cathead, fall
bitts the same but of jib boom rotten
bow sprit showing considerable decay
Bows sprit shrouds, tack sipes, and
rigging all woefully eaten up with
rust. Main deck seams black &
open, badly cracked and rent by the
sun

Foremast rotten inside the cheeks.

Foretopmast badly chafed and split in the fid hole

Mainmast, fished & badly sprung

Mizen mast head, badly chafed, & fund

part carried away,

Mizen topmast, badly chafed and

weather perished.

Fore and main yards, ditto

Fore and main topsail yards, the sa.

Cro jack topgallant mast under

in very good condition.

Found six for topgallant mast, to

gallant sail royal yards on board

Standing rigging throughout the ship

badly chafed and weather perished.

All the blocks in the split and bad

but for the sheave heads eyes of the

rigging

sagging extremely, bulkheads
rust by the sun and in very bad
condition, Cabin. Found the
bulkheads, doors and combs broken
to pieces and in general appearance
a complete wreck. Also found in
the cabin, a lot of old rags and
mud cut from the boats through the
deck, also a number of bags of
damaged flour, rat eaten. Found
in the hold, a portion of old worthless
running rigging, and blocks. A
number of bundles of rusty iron
hoops and rivets with several
bundles of damaged bagging, several
pieces of worthless rusty chain of dif-
ferent sizes, a number of old water casks
and tubs and one rusty iron block

Ons anchor of about 1200 lbs in tolerably good condition, a lot of stone ballast and rubbish a portion of the inside of the ceiling rotten. The forecastle below broken and badly split up. Two chain very much eaten up with rust. The chain plates outside, and iron work throughout the vessel nearly eaten up with rust and furnished with the usual Found considerable water in the hold about two inches over the ballast, and 2 pumps — Should judge the vessel to be Baltimore built. from 30 to 35 yrs old — In our opinion it is for the interest of whom it may concern, that the vessel be sold as soon as possible before further decay renders her perfectly worthless.

Given under our hands at Halifax

This seventh day of September A.D. 1869.

Signed J. S. Kitty Master Mariner

J. A. Johnson Master Mariner

Geo. H. Rice Merchant

I hereby certify the above to be a true

copy of the original on file in this Office

H. Emery Rice

U.S. Consulate U.S. Vice Consul

Hakodadi Japan

September 7th 1869.

Received No 15

U.S. Consulate General

Shanghai, Oct 29th 1869.

To His Excellency

The United States Minister

Yeddo Japan.

Sir

I have the honor to enclose to you
herewith a despatch
which I have this day addressed to the
Hon Secy. U.S. Consul at Hakodadi.
from which you will perceive that the 39
Chinese found on board the Bark Comet"
have been sent to Shanghai by the
said master and that the Consul
official residence was in Tientsin

In acknowledging the receipt of
this
I would congratulate you on the
United States

United States Government to Consul General Swa
re Despatch from the Department of
State addressed to Consul General Swa
dated 8th of March 1869. and in the depa
from the Secretary of State to H. E. Van
Valkenburgh. U. S. Minister to Japan,
dated February 17th 1869, a copy of which
was sent to Consul General Swan ac-
companying the despatch of March 8th 61.

I inclose copy of bill of the Vice
Consul at Hakodate, against the Chinese
Government, for expenses of keeping said
99 Chinese, in the sum of $226 25/100

Should you have any further
instructions on this subject to communica
I shall be happy to assist in carrying
the views of the United States Govern-
ment

I have the honor to be

Sir

Your Obedient Servant

J. Perkins

Vice Consul General

Copy

Chinese Imperial Government

To C. C. Vice U. S. Consul

Agent for Jap. Government

at Hakodate

Dr.

To expenses of keeping 40

Chinese prisoners as per

Enclosed $1466.25

" Passage of same to Shanghai 800.

$2266.25

Red Payment

Hakodate Japan

Oct. 14 1869.

This bill the Chinese Govern-

ment not likely to pay unless the U. S.

Government makes the demand

Received No. 5.

United States Consulate General

Shanghai Oct. 29th 1869.

E. C. Pike Esq

U. S. Consul

Hakodate.

Sir

I have the honor to acknowledge the receipt of your despatch of Oct. 14. 1869. addressed to the Consul General Geo F Seward Esq as follows.

"At the request of the Government "of this port, I have sent by your order "forty Chinamen prisoners that brought "in the Am. BK. "Loyalty" here in August "1868 to be handed over by you to the "Chinese Authorities for safe keeping "until our Government is heard from

"

I enclose with this, the bill of ex-

"penses incurred, which I have to request

"that you will collect and remit to me by

"return of the Steamer "Norgate" or by the

"first conveyance should the "H. L"

"not return, the passage to be paid

"by me upon the Captain presenting

"you note for them. I enclose copy

"of the examination of two persons

"Chinamen in order to show you how

"they came here &c. Their behavior

"has been so bad that I have been

"forced to take this course before rec-

"eiving instructions from Washington

"relative to their disposal.

"I hope that you will give me

"your prompt attention, as this, Jays

"Government is very anxious that the

more

"misery & trouble on your arrival."

I found that some Norwegian persons instead of forwarding sent over to China by the "Hongue" and transport on the 27th of October, as Mr Saunders had been left for the United States, I addressed to the Chinese Consul at this port the following despatch.

"To His Excellency, the Consul

"Sir

"I have the honor to inform "your excellency, that I received yes- "terday a despatch from the United "States Consul Price, at Hakodadi "in Japan stating that he had sent "on to Shanghai, three more Americans "prisoners to Japan in August 1863. "by the Bark "Capable" and would

then

"been handed over to the Chinese
"authorities. As these natives
"Chinese from their own testimony
"have been guilty of killing most
"of the crew of the "Cayalla", and of
"robbing the vessel, and he sends in
"a bill of expenses incurred, amounting
"to $ 2266.25, which he requests me
"to collect, and remit to him.

"I find upon examination
"that Mr Consul General Seward
"wrote to the United States Govern-
"last year, concerning the "Cayalla"
"and these men, and that on the 8th
"of March last the Secretary of State
"replied to him, that the "Cayalla
"was practically a Peruvian vessel, not
"an American; and as the Chinese
men

"held in servitude by the Peruvians
"they had adopted violent means to
obtain their liberty.

"I therefore send the 3 men
"to your Excellency so that you may
"deal with them just as you may see
"fit.

"(Signed) G. Jenkin
"Vice Consul General"

On the 28th of Oct. I had the
honor of receiving from the Saucai
the following despatch.

"To-kuno-jiro, the Saucai,
"acknowledges receipt on the 22nd of 9th
"month (27th of Oct. 1869) of the Vice C.
"General's despatch stating that the
"United States Consul at Kanagawa
"in Japan had sent onto Shanghai,

Peru

"Taotai and I find, and that we were
"paid the expenses incurred on their
"account, amounting to $2266.25 &c &c
"The Taotai will write a dispatch
"and send these thirty nine Chinese
"to the District Magistrate of Shanhai
"for examination. In regard to
"the Chinese they appear to be very
"poor, and there is no prospect of
"either of us being repaid from them
"for the expenses incurred. The
"Taotai does not know where the
"vessel now is, in which these
"people originally came to Japan
"and he would be glad to hear
"from the Consul General, when
"she is to be found.
"I
"With confirmation of the
&c &c

"day

"9th month 24th day

"28th Oct. 1869."

I will now subjoin for your information copy of a dispatch addressed to

"George F. Seward Esq.

"U. S. Consul General

"at Shanghai, dated

"Department of State

"Washington March 8 1869.

"Sir

"I acknowledge the receipt of your despatch No 326. of December "1868. with an endorsement dating "to the coolie ship Caroline" of "Hakodate, January last, bringing you of the views of the Government

Han

"Dispatch transmitting to accompany
"printed copy of instruction addressed
"to my predecessor on the 30th ult.
"to our minister in Japan. He
"had been previously informed
"that, as it did not appear that any
"citizen of the United States was
"interested in the ship, the Govern.
"could not concern itself about the
"restoration of the vessel to its foreign
"owners, and that it would take
"no part in any proceeding for
"adjusting the claims to the services
"from which they had effected their
"deliverance. The hope was further
"expressed that the authorities of
"Japan would appreciate our wish
"that of China and this country.

"Confederation is the cause of the
"which has led in the case of the
"Cavalle, to so bloody a retribution
"There appears no reason why
"Government could disburse any
"for the purpose of procuring the Trial
of the Cadets of the Cavalle, since in
"country or elsewhere,
"I am Sir
"Your obedient servant
"(Signed) W. Hunter
"2d Assistant Secretary"
You will therefore perceive
how that it is quite impracticable
for me to make any demand upon
the Crimea Government for reim-
bursements of monies incurred on
account of the Crimea on board the
Cavalle

"Canada" immediately addressed to the Govt
of the United States. I remain Sir
Yr Obedt Servt
Chas Cox
on the subject and in the same
manner
Have handed over to the Chinese
authorities, the three nine Chinese
sent on by you to your request
I have the honor to be
Sir
Your obedient Servant
H. Seward
Via
U.S. Consul General

No. United States Consulate

Hakodadi Yokohama 187[illegible]

Sir

The Am. Bark Bayard now in the harbor of Hakodadi is in a leaking condition (see papers on file in the Legation) & should immediately be sold at Public Auction for the benefit of whom it may concern — Therefore I respectfully request permission to order to sell the same, & to pay from the proceeds thereof the expenses of Repairs and passage of the said Chinese coolies to Shanghai.

This I consider the only just and proper mode of proceeding in the case

Hon. W. A. Le Long

U.S. Minister

&c &c &c

Yedo Japan

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/

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No 116. Copy.

U. S. Legation
Yokohama, Dec. 12. 1870.—

Sir:

On the 25th of last month I received from the Japanese Minister for Foreign Affairs a despatch informing me of their intention to sell a certain Barque then lying in Hakodate Bay if not claimed by the owner in one hundred and twenty days. (Enclosure No 1)

Having reason to believe that they alluded to the Peruvian Barque "Lagatti" I at once replied notifying them that I claimed that vessel on behalf of the Peruvian Government which Government I had already addressed on the subject of this vessel; and requesting that they (the Japanese authorities) would not interfere with her until I had received a reply from the Peruvian Government; when I would at once communicate with them again about her. (Enclosure No 2)

To this their Excellencies again replied informing me that they had delivered the Chinese found on board

board of her to our Consul at
Hakodate and also delivered to him
their account for boarding these
Coolies. Promising to communicate
my despatch to their local authori-
ties at Hakodate and requesting me
to communicate their desires to the
American Consul there. (Enclosure No 3)

Mr A. C. Dunn American Consul
at Hakodate in a despatch addressed
to me dated at Hakodate Nov 24th
1870, in relation to this vessel says
"I call your Honors attention to the
"only document in this Countale
"that throws any light on the subject
"of the Barque "Kayalti" now lying in
"this harbor, and rented to Capt
"Batchelder as a storeship in which
"late Consul Rice has been collecting
"rent and appropriating the same to
"his own use for sometime. A letter
"dated Nov 11th 1868, from E. E. Rice to
"Honble Van Valkenburgh late U. S.
"Minister in Japan, in which over
"($1800) Eighteen Hundred Dollars, was
"taken out of said Barque by said
"Rice in Gold. To this I would say
"that I have examined carefully

"the archives and Books of this
"Consulate and I cannot find any
"return of money's or any effects of
"said Barque".

In a dispatch that I sent to
Mr. Dunn dated December 10th 1870.
I gave him the following directions
in regard to this matter. "With
"regard to the Barque "Kayaki" as
"I have previously advised you; you
"will hold her subject to farther
"instructions from me: in the #
"meantime however if the Japanese
"authorities or any other parties prefer
"any claims against that vessel or
"her owners you will receive such #
"proofs in support of such claims as
"may be offered. And also you will
"please take such testimony as #
"may be accessible to you without
"trouble or outlay to show just the
"condition of the vessel when she
"arrived at Hakodate; what persons
"and property was on board of her;
"what became of the same and all
"and what has been done with the
"vessel since that time"

"All of this evidence you will #
"please have ready to report to

me

"me ahem asked for it"

Trusting to your approval of my course in this matter,

I remain Sir,

Your obed't servant

C. E. De Long

Minister Resident

Hon Hamilton Fish,

Secretary of State

Washington D.C.

Copy. (Enclosure No. 1. to D. 116.)

Yokohama the 29th of the 10th month
3d year Meiji

Sir:

On the 2d of the 7th Month of the 1st year Meiji (19th of September 1868) a vessel (a Barque) hoisting a strange flag entered the Bay of Hakodate. On being visited by our Custom House officials they found no Master on board but they found forty eight Chinese. They were unable to find out the name or nationality of the vessel or from whence she came.

These facts were at once communicated to the Consuls of the Treaty Powers.

Proceedings relative to her were taken at the request of your Consul and by his request we delivered the Chinese over to him.

The Barque has been lying idle in this harbor ever since an obstacle to the shipping there and causing useless expence.

We therefore beg to give you notice

notice that unless the owner (if there is any owner amongst your citizens) claim her restoration within one hundred and twenty days from the 29th of the 10 month (corresponding to your 22d of November 1870) we will instruct the Governor of Hakodata to take possession of and dispose of her.

Your reply is requested.

With respect and consideration

His Excellency
C. E. DeLong
U. S. Minister Resident

Copy (Enclosure No 2. to D. 116.)

No 144. U. S. Legation. Yokohama.
Japan. Nov 24th 1870.—

To their Excellencies,
The Ministers for Foreign Affairs.
&c &c &c

I beg leave to acknowledge the receipt of Your Excellencies # despatch of the 29th of the 10th Month 3 Year Meiji with reference to a # Barque at Hakodate.

I presume that the vessel you refer to is the Barque "Cayalti" if so I beg to inform you that as the Representative of Peru on behalf of that Government I claim that vessel and request no interference with her are be made or allowed by your Government officers.

I have written to the Government of Peru by the mail that sails to-morrow asking for directions in # regard to that Barque. As soon as I receive a reply I will communicate my instructions to you.

With

With respect and consideration

C. E. De Long,

Minister Resident

Copy (Enclosure № 3 to D. 116)

Yokei 12th of the Intercallary
10th Month of the 3 Year Meiji

Sir

Acknowledging the receipt of your reply of the 24th of November, 1870, to our last despatch, stating that the vessel in Hakodate you suppose is the Barque "Cayalti" and if so that she is a Peruvian vessel; and that you will communicate to us your instructions in relation to her as soon as received by you & from the Government of Peru, which you have asked for by the last mail: Permit us to state in reply; that we are informed by our local authorities at Hakodate that they have already communicated to your Consul there certain demands for the expense of boarding the Chinese found on board of her during their stay in Hakodate; consequently we will transmit to our local authorities there the contents of your despatch on this subject. At the same time we request Your Excellency to write the

foregoing.

foregoing to your Consul there.

With respect and consideration

Minister for Foreign Affairs.

To His Excellency
C. E. De Long,
U. S. Minister Resident

Copy No 117.

U. S. Legation Yokohama,
Japan. December 13. 1870.—

Sir;

I beg leave to submit to you a matter of dispute about the lands at Hakodate; between the Japanese authorities and Mr E. E. Rice, who is now in Washington.

Enclosure No 1. Is a letter from the Japanese Ministers for Foreign Affairs to me asking the surrender to them of the property, claiming that Mr Rice obtained his conveyance from rebels at a time when a state of war was existing; and that all other persons having similar concessions from that source have acknowledged the invalidity of their grants and surrendered their lands.

Enclosure No 2. Is my reply to their Excellencies.

Enclosure No 3. Is a letter of instructions to the U. S. Consul at Hakodate on this subject, that I forwarded as I promised the Ministers.

Enclosure

Enclosure No. 4. Is an extract from a general despatch received by me from Mr. Dunn. December 9th. in which he writes of numerous matters. I have copied all that he says in that # despatch on this subject.

In reply thereto I farther adviced Mr. Dunn to call upon the Japanese to submit their complaint # against Mr. Rice in writing offering to advise him farther if desired when such complaint was received.

Enclosure No. 5. is a copy of the English translation of a lease to the premises in a dispute which Mr. Rice brought to this Legation and I at his request entered of # record Nov 22nd. 1870.

Enclosure No. 6. Is a copy of this # plat or diagram of the premises as entered in my Legation Records at the same time at his request.

This constitutes a complete transcript of all that I have had submitted to me and from which # you will be doubtless better able by calling Mr. Rice before you to advise Mr. Dunn. than I will be.

The lease (Enclosure No. 5) is a very odd instrument and one that I would much prefer # having you construe than to # attempt to give it a construction myself. I shall await your # advices before proceeding any further as it is a matter of very considerable moment to Mr. Rice and the Japanese evince a good deal of feeling about it also.

I am, Sir,

Your most obedient

servant

C. E. De Long.

Minister Resident

Hon Hamilton Fish,

Secretary of State

Washington D. C.

Copy. Tokei the 5th of the Intercalary
Month of the 3d year. Meiji

Sir:

We have the honor to inform
Your Excellency that the local
authorities of Hakodate have
demanded of Mr E. E. Rice late
American Consul at that port;
since peace was restored the
possession of a piece of land
measuring 1211 Tsubos at Omachi
Kamadori ni Hakodate which
land was rented to him by the
rebels during the time of great
confusion then caused by the
war existing during the year
Taikin. He has been requested to
accept a new lease of the said
land and the matter remains
without our having obtained from
him any decisive answer although
our local authorities have held
several conferences with him. in
respect to this matter.

Since last year lands thus
obtained by all other persons
have been returned to us after
consideration of our demands for

it

it and are therefore request your
Excellency to direct Mr Rice to
return that land to us through
your Consul.

With respect and consideration

His Excellency
C. E. De Long.
Minister Resident

Copy.

U. S. Legation Yokohama.
November 29th 1870—

No 155.

To their Excellencies the
Ministers for Foreign Affairs,
&c &c &c

I have the honor to acknowledge the receipt of your despatch in reference to certain lands in Hakodate held by Mr Rice late American Consul there; asking me to instruct the U. S. Consul there to take steps at once to have the same restored to your authorities.

I regret that you made no mention of this affair befor Mr Rice left this Empire for the United States; but however as he intends to return very soon I will at once instruct the Consul to proceed with the investigation as soon as Mr Rice returns or before his return if his delay should be for any unreasonable length of time.

With respect and consideration

C. E. De Long
Minister Resident

Copy U. S. Legation Yokohama,
Japan, November, 9th 1870.—

Sir:

I have this day received # from the Japanese Ministers for Foreign Affairs a despatch calling my attention to the fact that Mr. C. E. Rice (late Consul) is in # possession of a piece of land # measuring 1211 Tsuboos at "Omachi Kamadori in Hakodate" of which they desire the delivery of the # possession to their authorities there; asking me to direct you to have it returned &c.

I have replied thereto expressing my regret that they did not # bring this matter to my attention prior to Mr. Rice's departure for America but assuring them "that I would at "once instruct the American Consul "there to proceed with the investigation "as soon as Mr. Rice returned or before "his return if his delay should be "for any unreasonable length of time" Please consider yourself instructed # accordingly.

I am, Sir,

Your.

Your most obedient servant
C. E. De Long.
Minister Resident

To A. C. Dunn, Esqre
U. S. Consul
Hakodate, Japan.

Copy.

No 37.

U. S. Consulate
Hakodate, Japan.
Nov 24th 1870.—

His Excellency
C. E. De Long.
U. S. Minister &c &c &c

Sir:

+ + + +

In taking possession of this Consulate I was told by late Consul Rice that no land had been given to our Government for the erection of a Consulate. The Consulate I now have was a part of a Temple given by the Japanese Government for the use of a Consulate until a house could be constructed on the ground given for that purpose. Mr Rice constructed a dwelling on the Consulate ground where his family are now residing. I am officially notified by the Government here that all the land obtained by Mr Rice was done in the name of our Government. No papers concerning it are in this Consulate.

The authorities here are trying to secure this Temple properly; and seem

seem to think it the fault of our Government that I do not let them have it.

Mr Rice tells me Your Excellency approved a lease of said Temple property. Please give me instructions in this matter. &c &c &c

I am Sir,

With great respect and consid-
eration, Your very obedient
Servant.

A. C. Dinn.
U. S. Consul.

Copy.

Lease from the Japanese Government to E. E. Rice. Hakodate 1869.

Agreement for H. B. Consulate and Vice Consulate ground at this Port by and between the Governor and Consul as follows. viz:

The ground for use of Consulate of the Khilid States as per annexed plan within red lines containing one — II — thousand two hundred and eleven 1211 Tsboos situated between the Togendzi Temple and former Nambar Rusin's house.

The rent of said ground to be paid half yearly also all expenses for stone wall &c paid by E. E. Rice, Esq. H. B. Consul shall be deducted from the rental and the aforesaid # ground will be the property of E. E. Rice Esq from the 1st day of February 1869. in order to make fence and other improvements; but the rental shall commence on the first day of July next or when the ground is cleared and streets properly made.

The amount of annual rent to be settled by the American Minister

and

and Japanese Government.

Also the ground within black dots containing 105 Tsboos to be for the use of American Vice Consulate ground.

(Signed) E. E. Rice
U. S. " Consul.

Attached to the above document is a Japanese version signed by the Governor of Hakodate.

Recorded November 22d 1870.

Title to Ground

No. 59 Department of State

Washington 17th Feby 1871.

C. C. De Long Esq

" " "

Sir,

Referring to your Nos 116 and 117 relative to certain charges made against E. E. Rice Esq late U. S Consul at Hakodadi, by his successor Mr A. C. Dunn, I now transmit to you at the request of Mr Rice, a statement made by him to this Department on the subject, together with the papers therein referred to.

In view of the facts set forth in these papers, you are instructed to investigate the conduct of Mr A. C. Dunn, and to suspend him from the exercise of his Consular functions pending the investigation

investigation, and until he shall have disproved the charges or made a satisfactory explanation of his conduct.

You will also investigate the charges or allegations made by Mr Dunn with regard to Mr Rice.

In the meantime you will select a proper person to discharge temporarily the duties of Consul and to take charge of the Consulate, and will enquire and report into the validity of the title of Mr Rice to the real property claimed by him, - Whether the grant or concession or lease was made by authority duly established and recognized, and competent to make the grant, concession or lease, and whether it was made to him in his

his official capacity as an officer of the United States Government, or for the use of the United States as one of its officers. Whether the rent or other charges upon it have been paid - Whether any rent charges or consideration therefor have been paid by, or charged to the United States.

I am Sir,

Your obedient servant

Hamilton Fish

DEPARTMENT RECEIVED FEB 4 1871 OF STATE

Feby 6.

Mr Wood
11

Washington. D.C. Febuary 3rd. 1871.

Hon. Hamilton Fish
Secretary of State &c &c

Sir:

In reply to the Charges made against me by A. C. Dunn my successor at Hakodadi. I beg to say that they are false, malicious, and devilish.

That in my opinion they were instigated by one Alfred Howell a resident of Hakodadi. said Howell is an Englishman and since 1864 has been my bitter enemy, for reporting against him to my superior Officer, his diabolical desecration of Imos, or Japanese graves. See Enclosure marked A.

That on the arrival of Mr. Dunn he (Howell) resorted to dishonorable means to bring about a disagreement between Mr. Dunn and myself, and did under false pretences, induced said Dunn to remove to his house for a few days, and nearly succeeded in inducing him to remove the Consulate to his Howell's private dwelling house, a long way from the business part of the City; but upon my calling Mr. Dunn's attention to the Consular Regulations on that subject he concluded to leave the Archives in the building where it was originally established by me.

Howell told me whilst on the passage

to Yokahama in November last, that he wanted, and would have within one year my Consulate lot to called, (a part of which I had rented or leased, and occupied for over twelve years) and on his own terms: also that he always pursued his enemies to the bitter end, or any one who had done him an injury whether intentional or not; That I had injured him in the Jas difficulty, and consequently was his enemy.

From private letters received here from reliable sources up to Dec 15th 1870. I am advised that Mr. Dunn is entirely under the influence and control of said Howell.

Howell is a frequent contributor to, and a brother of the Editor of the "Japanese Mail" that has during the past year published so many scirrulous articles upon the Hon: C. E. de Long our Minister and American interests generally.

That Mr. Dunn and his advisers supposing that my business to Washington was to endeavor to get reinstated, and in order to do so, might make use of the fact of his (Dunns) unreasonable delay, and conduct in becoming an Officer of the Government during his stay at Yokahama as reported by Mr. Kline and Consul Lyon. have made use of these false and malicious charges to prevent my return as Consul.

Enclosures marked "A" "B" "C" "D" & "E", consisting Nos 1. 2 & 3. and letters Nos 3. 3½. 4 & 5. contain my reply in brief. to far as I am able from memory and the papers I have with me to make it at present.

I therefore most respectfully ask and request, that the whole matter, may be referred to our Minister Hon: E. C. DeLong. for the most thorough scrutiny and investigation, and if he thinks it advisable, I request that Consul Shepherd may be sent to Nagasaki for that purpose.

I respectfully refer to the 9th article of Perry's Treaty with Japan.

I further respectfully request that the Government of the United States insist that the contracts entered into by the Government de facto shall be faithfully carried out by the present Government in accordance with the practice of all Treaty Powers and International Law.

In Conclusion I beg to enquire why these charges (if true) were not made at or soon after these offences were said to have been committed and not wait until after I had left the Country when it would put me to so great trouble to disprove them.

It is very easy to make charges against public men and Officers, at a distance of one ten-

thousand Miles especially with such a creature as Alfred Howell to manipulate—

Feeling that for more than fourteen years I have conscientously discharged the duties required by my several Commissions and having to the best of my ability, and mostly at my own expense, during that long period, in that benighted Country and undertrying and peculiar circumstances upheld American interests, and the true Republican principles of our Government: I trust justice will be done me, and that my family now residing in that Country will not be deprived of all means to keep them from starvation, also that designing Englishmen and their Coadjators in evil will not be permitted to trample upon and maliciously blast the characters and reputations of an old and faithful public servant.

I have the honor to be Sir
Your obedient Servant.

E. E. Hine
late Consul
at Hakodadi
Japan

12

Enclosure "A"

EXTRACT

From a Letter from Hakodate, sent in March, 1867, by one of the Foreign Residents of that place, to some of his friends in Berlin.

EXTRACT:

HAKODATE, February, 1867.

* * * In conclusion, I wish to say a few words upon a subject of considerable interest, setting forth not only the policy of the Japanese towards foreigners, but also the arbitrary and criminal conduct of some of the people residing in this far distant country. As the events to which I refer occurred before my arrival, I shall, with your kind permission, let my brother, from whom I obtained the following details and who was, in a measure, mixed up in this exceedingly unpleasant affair, speak for himself.

The northern part of the Island of Jeso and the southern half of Saghalien, which, as you well know, belongs to the Japanese, and is consequently a continual source of political intrigue on the part of the Russians, who occupy the other half of the latter island, are inhabited by a race of people called Ainos. Anxious researches have been made to discover the origin of this interesting and unfortunate people, but all we have been able to glean from the scanty annals of Japanese history is, that these Ainos were subjugated many centuries ago, and have ever since been in a state of semi-slavery and most abject poverty. Not only do their manners and customs differ with those of the Japanese, but the dissimilarity in features prove them to be a different race, and such are the peculiar notions entertained by the Japanese

P. T. O.

regarding their own superiority that intermarriage is strictly forbidden. The natural result of this prohibition and the numerous other peculiarities of the social position of this truly interesting race is that they are rapidly decreasing in number, and will doubtless soon cease to exist.

Although unable to state with any certainty to what race the Ainos belong, the peculiar shape of their features and their long flowing beards give us every reason to suppose that they belong to the Caucasian race. Fishing and hunting are their principal occupations, and the staple export of this port, sea-weed, is obtained and dried by them.

It is, however, a singular fact that, notwithstanding the degraded position in which the Ainos have, as already stated, been kept for so long a period, and the peculiar effect which the policy of the Japanese has undoubtedly had upon them, their productions of art, primitive to a degree, such as carving in wood and fur clothing, bear more resemblance to European than Asiatic productions.

As already mentioned, nothing is known about their origin, although an English divine, Dr. Gray, of Canton, who spent a few weeks here in 1865, expressed his opinion that the Ainos were a lost Jewish tribe. I am unacquainted with his reasons for making this assertion, and although the color and shape of their features and their long black hair somewhat confirms this statement, their ideas about religion certainly do not tend to justify this supposition. As with the Japanese, religion is simply a matter of convenience, and, according to their unenlightened minds, only suited for priests and old women. Numerous and beautiful temples are found throughout the Japanese Empire, bearing a similar resemblance to the general style of architecture as our old Gothic places of worship did to the houses of the lower classes during the Middle Ages.

Not so, however, with the Ainos, who do not possess temples, but perform their idolatrous ceremonies in the open air, and principally in front of the dwelling of the patriarch of the village. The house of this important personage is distinguishable by long poles, each surmounted with the skull of a bear. Although bruin is an object of peculiar veneration,

they do not scruple to hunt the denizen of the forest and satisfy the cravings of hunger with his flesh; the skin is used as clothing during the winter. Prayers are addressed to the skull as a specific to appease his wrath. Every year a young cub is brought into each village, and having been nursed during a certain time by the most influential female of the community, is killed and deified with great ceremony and feasting.

These few remarks about the Ainos will serve to show that this people are necessarily objects of considerable interest to us, and that numerous endeavors have been made to become more intimately acquainted with them. A trip into the northern part of this island was therefore organized and made in 1864, by the late British Consul, Captain F. Howard Vyse, a British merchant, Mr. Alfred Howell, agent for Messrs. Dent & Co., of China, a Russian medical man, Dr. Zalesky, Mr. Whitely, and one other Englishman. They visited several Aino villages, opened graves and obtained some skulls, two of which were sent to London and one to St. Petersburg.

This reminds me that another striking peculiarity of the Ainos is that they bury the dead in European position, in long wooden coffins, from two to three feet under the earth. The Japanese, on the contrary, burn the bodies and preserve the ashes in vessels of clay and wood.

Although unable to state whether the authorities of the British museum had expressed a desire to possess these natural curiosities, or whether it was a private speculation of either Dr. Zalesky or all the gentlemen conjointly, general report says that $2,000 were offered for a complete skeleton of an Aino woman, and in October, 1865, another expedition was organized, consisting of a certain Whitely, who had, as already mentioned, accompanied the former trip (he is the son of an English naturalist, and was at that time occupied in making ornithological collections), the constable of the British Consulate, Trone, and the Jailor, Kemish, accompanied by native servants leading pack-horses laden with provisions and instruments. They arrived about the middle of October at an Aino village, situated about thirty miles from Hakodate, and succeeded so well in their midnight excavations at the

cemetery of that place, that they returned to Hakodate with thirteen Aino skulls and a large collection of bones. But this sacrilegious theft did not escape unnoticed. The inhabitants had observed their proceedings, and a deputation was immediately sent to Hakodate and laid a complaint before the Governor, who reported the matter without delay to the British Consul, and not only demanded the restitution of the skulls and bones, but also the punishment of the resurrectionists.

Captain Vyse naturally ignored the affair, but examined the three men, who strongly asserted their innocence. Compelled, however, both by treaty and English law, to proceed legally in the matter—and in order, at the same time, to prevent the Japanese from producing the necessary witnesses—a Court, consisting of himself and two assessors, one of whom, Mr. Alfred Howell, was called together on the day after the complaint had been made. I must here remark that this Mr. Howell is the same person who, as already mentioned, had on a previous trip, dug up and stolen two skulls. How, under these circumstances, he was not only invited but consented to assist in pronouncing judgment on three persons who were in all probability his accomplices, appears incomprehensible.

The Japanese Governor was duly informed and assisted in person at the trial. As the investigators had, however, undoubtedly made the necessary arrangements, and as, owing to want of time, the Governor was unable to produce his witnesses, the Court pronounced the accused innocent, and at the same time drew the attention of the Governor to the impossibility of digging up thirteen skulls and bones, and bringing them such a distance.

But the far-sighted Governor, having probably fathomed this preconcerted arrangement, and furthermore convinced of the guilt of the accused—owing to a circumstance to which I intend alluding in due time—entered an appeal against the decision, affirming that sufficient time had not been granted to him to produce the necessary witnesses.

Probably, either hoping to be able to squash this unpleasant affair in which two persons belonging to his Consulate were concerned, or entertaining an idea that the Japanese authorities would still be unable to produce the necessary

proofs for justifying a sentence for the plaintiffs, Capt. Vyse acquiesced to the urgent demands of the Governor, and eight days later again summoned the same Court; although, having previously given sentence and declared the three men innocent, he could easily have explained to the Governor that appeal could alone be made to a superior tribunal, either at Yedo or before the Supreme Judge at Shanghai. Had he adopted this course, I have every reason to believe that the result so ardently desired would have been obtained, and that, owing to distance and many other causes, the case would have been satisfactorily settled.

As already stated, the trial was, however, again opened, and so convincing were not only the depositions of the witnesses, but also the examinations of the accused regarding their expedition, that the Governor formally demanded a sentence against them. Capt. Vyse, however, declined to give judgment, and referred the whole case to Yedo for the consideration and decision of H. M.'s Minister; and, with a view to meet, in a measure, the urgent requisition of the Governor for the immediate punishment of the offenders, they were, on the following day, placed in confinement.

It appears that the Consul had also sanctioned the native authorities to arrest a Japanese groom, who had accompanied Trone on his expedition. This proceeding did not please Mr. Trone, who rescued his servant by force from the Japanese officers and threatened to shoot them if a further attempt to seize him was made.

Matters were now coming to a crisis with the poor Englishmen. The *betto* (groom) and another Japanese were delivered over to the authorities; torture forced them to confess and the news that they were to be executed was circulated throughout the town.

The zeal displayed by the Governor in the prosecution of this charge will doubtless appear strange, when taking into consideration the degraded condition in which the poor Ainos are kept, and the total absence of consideration for their feelings and comforts on the part of the Japanese; but the following details of an occurrence, to which I also was an eye witness, and was then a subject of hot discussion between the

French Minister—seconded by the other foreign representatives—and the Gorojo (Japanese Ministry) will show that policy urged them to push this matter to the utmost.

In January, 1865, business called me to Shanghai. On arriving in Yokohama, the Captain of the Dutch man-of-war "Djambi" kindly offered me a passage to Nagasaki, and, as this would afford me an opportunity of seeing all the beauties of the "Inland Sea," I gladly accepted his proposal. A zealous Roman Catholic priest, Abbe Girard, also joined us. The object of the Captain was to visit Simonoseki, and see whether the lord of that place and the surrounding country, known as Mats daira Daidsenno Daiboo, Daimio of Nagato, had attempted to reconstruct the forts which, in consequence of hostilities shown by him to foreign ships passing through the narrow straits bearing the name above mentioned, had been totally destroyed a few months previous by the united naval forces of England, France, America and Holland. No signs of preparations for new hostilities were visible, and the officers of the Prince received us most courteously—showed us the principal points of interest, but expressed their utmost dissatisfaction with the Tycoon and his Government, at whose instigation and command they had commenced the unequal struggle with foreigners.

As the Abbe Girard is an excellent Japanese scholar, and we were therefore enabled to obtain every information we desired, this visit was exceedingly interesting, and at his request we also proceeded to the province of "Bungo," situated on the island of "Sikokf," on the other side of the straits, where some French soldiers, killed in the attack on Simonoseki, had been buried. This spot belongs to the Tycoon, and the charge of the graves had been confided to the neighboring Prince.

On arriving there we found the graves destroyed and wilfully desecrated, and as Abbe Girard had accompanied the French Admiral as interpreter and personally superintended the arrangements and ceremonies of the burial, he immediately reported the matter to the French Minister, who gladly availed himself of this opportunity to preach morals and civilization to the Government of the Tycoon and demand satisfaction.

Picture to yourself the actual state of things. In Yedo and Yokohama the greatest commotion was being excited in consequence of the desecration of two graves, whereas here, in a peaceful Aino village, not only the whole graveyard had been dug up, but *thirteen* skulls and cross-bones exhumed and stolen.

It was, therefore, perfectly natural that the Governor should gladly seize the opportunity as a counterbalance for the pending difficulties with the French Government.

The two unfortunate Japanese, who were undoubtedly innocent, but had been compelled to accompany their masters on the trip, although unacquainted with the object in view, were to suffer condign punishment. The three accused were in prison awaiting a sentence from Yokohama, and little hope could be entertained of proving their innocence and obtaining their ultimate release. The British Consul was powerless and unable to act, and the Governor was doing his utmost to push the matter and obtain full satisfaction.

Affairs were, therefore, apparently becoming more and more complicated, when the British Consul's interpreter, Mr. Enslie, a most amiable and talented young man, who had probably become aware that the Ainos' skulls were still in Hakodate, and wished to pacify the Governor, attempted to act as mediator and terminate this unfortunate affair. He requested his Consul to permit him to have an interview with the Governor, expecting that the reasons and arguments he would then adduce would doubtless satisfy the native authorities and be condusive to the interests of both parties. This consent was given.

The praiseworthy object which induced Mr. Enslie to take this step was to save the unfortunate Japanese who were evidently innocent, as they could not reap any benefit from an excursion organized by their masters, and which, owing to their menial position, they had been compelled to accompany. He also probably wished to modify the punishment of the poor Englishmen by appeasing the just indignation of the Governor. These ideas, so noble in their conception and so ably supported by plausible arguments, did not, however, meet with the expected result. The authorities politely lis-

tened to Mr. Enslie's proposals, but also informed him with equal politeness that the Japanese were under their jurisdiction and could not escape punishment, but added that they would feel obliged if he (Mr. Enslie) could furnish him with any facts for the further prosecution of this affair. The generous endeavors of Mr. Enslie were, therefore, unsuccessful, and only tended to strengthen the Governor in his original intentions.

About the same time the Japanese obtained possession of the Ainos' remains. But as it was of the greatest importance to Foreigners in general that these things should not be discovered, they had been hidden, but not being considered safe, were taken from house to house, and at lengh as reports say, buried one evening in a wood near Hakodate. Nobody knows how they were discovered, but the Governor had also become acquainted with these facts, and not only the number of the skulls, but also the peculiar manner in which they had been packed and hidden fully convinced him of the truth of the testimony for the prosecution.

All hope to hush up the matter or exonerate the accused of this crime was now abandoned, and proposals were made to assist the three prisoners in making their escape on board of one of the vessels then in harbor; but it appears that Capt. Vyse either did not wish to incur such a responsibility or did not possess the necessary activity and tact to facilitate such a step, as he personally prevented their flight.

A considerable time had necessarily to elapse before the pending affair could be settled or any reply received from Yokohama, and in January 1866, some time before instructions from the Minister reached the British Consul, three vessels, two English and one Prussian, were ready to quit this port for China. The Prussian ship "Danzig" consigned to my firm, had been cleared and the Captain having received his papers and letters was ready for sea; as she had however a few private affairs to settle, he informed me that he would not start until daylight next day, and requested the loan of my boat to go on board that night, as all his boats had been stowed away preparatory to going to sea. I unhesitatingly gave my consent, and added that he could command the services of my own boatman.

On returning home that evening from the house of my partner, I passed the house of the British Consular Assistant Mr. Robertson, a married man, and in whose family circle I had spent many pleasant hours. Hearing voices and music I stepped in, proposing to spend a pleasant half hour previous to going to bed; a whist party was formed, which was however, interrupted by the arrival of the British Consul, who had a long private conference with Mr. R., and not feeling disposed to remain any longer, I left, and was in bed before eleven. It was impossible however, for me to go to sleep, and in vain I racked my brain to assign a reason for the untimely visit of Capt. Vyse, in company with Mr. Howell, and the secret conference of the former with his assistant, The pending case of the Ainos' skulls had taken such a serious turn, that not only was fear entertained about the excessively heavy punishment to be inflicted on the accused, but the whole foreign community justly surmised that the effects would be generally felt. While thinking about the various salient points of this unfortunate affair, a thought suddenly flashed across my mind, "the boat and boatman I had lent the Captain of the "Danzig." " To jump out of bed and dress myself was the work of a moment, for a strange and vague suspicion had occurred to me about the visit of the Consul, his conference, with Mr. R. the departure of the ships, the escape of the prisoners, and my boat and boatman being all connected with one and the same mysterious affair. I immediately went to the house of a certain Schluter, who I occasionally used as Constable, and together with him proceeded to the Japanese house where the three Englishmen were confined. My suspicions were verified, the prison was empty and I now fully understood that not only the Prussian ship but also my boat and men were to be employed to aid in the escape of the prisoners.

This was an extremely unpleasant predicament, but I made a quick resolve, and without waiting to enquire about my boat I wrote a short official note to Capt. Vyse, informing him that I had been told that the three Englishmen had escaped, and anthorized him, in case they should be on board the "Danzig" to arrest them. Having despatched my letter I

again went to bed, and wonderful to relate was asleep directly. At three o'clock that morning, more than two hours after I had sent the note, Capt. Vyse called on me ; I apologized for receiving him in bed, and he then expressed his utter surprise that such a report should have been circulated, as on the receipt of the note he had proceeded in person to the jail and convinced himself that the prisoners were safely locked up and guarded. "Well," said I, "if this is the case I congratulate you, but I was afraid for your own sake on hearing the report, and considered it my duty as a colleague, to inform you of it." He then left me, and before he had gone fifty paces through snow and wind, accompanied by Mr. Howell, who had been waiting for him at the door, I was again fast asleep.

I need not say that I felt very much relieved that this affair had ended thus, for had the attempt succeeded, I would undoubtedly have been more or less compromised and was the more pleased at my success, as the English, who had two vessels ready for sea had the impudence to mix up the Prussian flag in this dirty affair.

The sequel to this truly unpleasant case is, that a short time after the attempted escape, an English man of war arrived here, and the three prisoners were taken to Yokohama to undergo their sentence of imprisonment with hard labor ; one of them, Trone, is however at present, a clerk in the British Consulate at Shanghae. Capt. Vyse left for England to explain matters, but does not appear to have cleared himself of blame. His successor paid an official visit to Otosshibe last year, and settled this matter most satisfactorily with the Ainos, who expressed the utmost satisfaction at his assurance of regret and a present of 1200 Boos (about $550) to the relatives of the deceased, whose graves had been insulted. The Japanese authorities erected a monument in commemoration, and have demanded the restitution of the remaining skulls, which are I believe at present on their way out. Little was heard about the poor Japanese during the past year, but I am glad to say that I have now been informed that they will both be speedily released.

The peculiar and highly unpleasant position in which Mr.

Enslie was apparently placed owing to the magnanimous step he took in this affair is deeply to be regretted. Although he is not in the slightest degree connected with either of the sacrilegious deeds, it is generally reported that his generous endeavors have not met with the approval of H. B. M's. Minister, and notwithstanding the sanction he obtained from his immediate superior, he has been most severely censured for his proceedings with the Japanese authorities in connection with the imprisonment and torture of the poor servants. There is but one opinion about Capt. Vyse's conduct, and everybody feels convinced that the peculiar circumstances in which he found himself placed, and his inconsistent, vacillating and illegal line of conduct throughout the whole affair, is the sole cause of the highly unpleasant sequel of this case.

Mr. Enslie has applied for leave of absence and expects to return to England shortly ; the sincerest wishes of all who know him will accompany him, and we not only hope, but feel convinced that he will be able to explain these self evident facts, and that his noble and disinterested conduct will be justly rewarded.

Enclosure "B"

The transaction with Alfred Howell referred to in Mr. Dennis letter No. 7 of Dec 1. 1870. occurred when I was a merchant Consul, and had no connection with my official duties, but was simply a business transaction.

The facts are as follows:

Howell & Co. bought a cargo of Rice in Hongkong, and not having money to pay for it, pledged the bills of lading with a Banking House to raise it. On the arrival of the Vessel at Hakodadi the Captain rightfully refused to deliver said Cargo without the Bills of Lading. At the time prices were very high, and if Howell & Co. could deliver at once they could and did, realize a large profit, amounting to many thousand dollars. After Howell & Co had vainly asked others to aid them they came to me, and begged I would make some arrangement whereby they could get immediate possession of said Cargo, and after much trouble I succeeded to their entire satisfaction, and also secured the Ship and owners from loss or damage by the delivery of said Cargo without the "Bills of Lading" then held by other parties.

The Amount of my Commission this unusually small for so large a Cargo was freely and voluntarily offered by Howell & Co and subsequently paid, without a word of Complaint by Mr. Atkinson an honorable member of said firm.

This transaction could have been done by any other business man, but no one else would assist Howell & Co. and several Merchants requested me not to do it.

I have taken measures to find out the where abouts of the Captain of said Vessel, and obtain his affidavit to the truth of the foregoing statement.

Enclosure "B"

Enclosure "C"

In regard to the Statement about a charge of fifty dollars for a deposition to one Wilkie. see same letter of Mr. Drum (Stg dated Dec 1st 1870) It is not only false but absurd. If the statement was true he could and should have produced my receipt (which was always given for all official acts) said Wilkie is not an American Citizen either by birth or naturalization. He is an exceedingly intemperate man, and a notorious co-wardier.

Having been under the protection of the American Consulate from his first arrival he gave me more trouble than all the other residents. he was my Cook for more than one year in 1857 & 1858, was on one occasion beaten by the natives and left for dead, for entering a Japanese house after midnight, when in one of his drunken sprees

According to my best recollection he never paid me five dollars for all the official acts I ever performed for him.

I think this is all that is necessary to be said to refute this Charge.

Enclosure "D"

Relative to Mr Rice's title to certain lands in Hakodadi Japan referred to in Mr. De Longs dispatch No 116. Dec 12. 1870

Mr Rice about two months before his departure from Hakodadi notified the Japanese Authorities that he would soon leave for the United States, and two weeks before leaving he again notified them and requested that all claims against him should be presented for settlement, and at no time prior to his leaving was a word of complaint made about about the land or the validity of his title to it, a part of which he has occupied for over twelve years, has built upon, and otherwise made expensive improvements upon the whole tract amounting to several thousand dollars.

Mr Rice holds his lease to the ground now occupied by present Consul, and known as the Temple Ground (see his dispatch No 37 to Mr DeLong) from the Japanese Priests and owners of the ground since 1857. This can be proven at any time by calling upon Mr Emory Rice, the authorized Agent of E. E. Rice at Hakodadi

The land adjoining the above was leased to C. H. Fletcher, (which lease is recorded on the Books of the United States Consulate) on the same stipulations and from the same Priest in 1859, who built an expensive dwelling House thereon, said house and ground was subsequently sold and the

lease transferred to C Gueartiev, Russian Consul, who now occupies the same. He and said Rice paying annual rent to said Priest without the intervention of Government Officials. Said lease is made and conveyed to E. E. Rice in his private Capacity not as Consul of the United States

The small piece of ground was rented to Mr. Rice, and has been occupied by him since 1858 on which he built a house which was rented by said Rice to the English Consul and others, and is now occupied by his family (said Rice)

The lease for this which he held from the Tycoon Government he relinquished and it was reconveyed to him as Vice Consulate ground see lease executed in 1869 copy of which accompanies Mr. De Longs Dispatch No 117.

Said lease was taken in accordance with instructions from Hon: R. B. Van Valkenburg the United States Minister from Ocean, a copy of which is on file in Department of State in 1868 — in which said Rice and other American Consuls were instructed to treat and transact business with the then Government, de facto. and on several previous occasions as well as on February 2nd 1871. upon examination of my leases or Deeds he Mr Van Valkenburg declared them to be valid and binding and

in accordance with the instructions referred to in this paragraph.

There was three seperate and distinct Contracts covering different parcels of ground

1st That upon which the House now stands occupied by Mr Dunn which was leased from the priests direct.

2nd That upon which the House now stands occupied by Mr Rice's family which was originally leased from the Tycoon Govt. in 1858. and the lease of which was surrendered, and the same included in the lease of 1869 as Vice Consular grounds containing 105 tsboos, which last lease was executed by the Officials of the Government de facto in 1869 who were in full possession for about 8 months, transacted business with, and were recognised by the representatives of other Nations.

The Prussian Consul Gaertner and his Bro have leased a tract of about 2400 acres near Wakodate for farming purposes upon which they have erected buildings, and otherwise improved it and they now have a number of German and Japanese laborers living, and laboring on it. These men received their leases from the same de facto Government and about the same time Mr Rice received his,

"E"

The present Government in a few days after coming into power confirmed said leases, but since then have offered the owners forty thousand dollars to surrender their title and improvements

Mr Schutz and a Mr Straus Prussian received a lease for a large lot in the city from said de facto Govt. and built a Hotel on it. which has not been surrendered but their title confirmed by the present Government

Messrs A. Fabre Bouvenie & Co. secured a lease for a larger tract than Mr Rice's adjoining his from the same de facto Government at or near the same time. have built large upon it, and have not surrendered their title to it.

The only lands Mr Rice knows of having been surrendered was some land staked out by a Mr Maynard and Louis Balch. but they have received no lease for the same.

The land containing 1211 tuboos in lease of 1869. was intended for the use of the United States Consulate so far as required upon the Government paying a fair rental for the same but the fee simple to be in E. E. Rice as appears in said lease. He having made improvements to the Amount of several thousand dollars in levelling fencing planting fruit trees, shrubbery and by Building and preparing the foundations for a commodious dwelling.

Enclosure "E"

"Case of Peruvian Bark Cayalti"
Dispatch No 116 Dec 12. 1870. from Mr. De Long
See also Report of Consul Rice and Captain of
the Iroquois sent to Department of State
at the time.

First Mr Rice declares that he has
never received one penny as rent or other
-wise for the use of said Ship "Cayalti"

Second That the money referred to
was taken from the Chinese by the Authori-
-ties, and by them sent on board the Iroquois
mostly peruvian silver and gold of various
denominations, it was appraised by the
Paymaster of the Iroquois at $1256. and subse
-quently by Paymaster Tallock of the Oneida
at $1200 mexican dollars, and was paid
to J. M. Batcheldor as per Voucher No. 2.

Said Barque or Ship was in Custody of
the Japanese authorities from her arrival
until the bombardment of Hakodadi, when
they abandoned her without notice to me, and
for several weeks, no one had Charge of her
except Rats and Dock thieves: On learning
this fact I made arrangements with Capt.
Batcheldor to put 2 keepers on board, subse
-quently Capt Batcheldor while raising
the sunken Steamers Eagle and Emperor
had permission and did make use of the "Cayalti"
temporarily, he being responsible for any

damage caused thereby, but paid no rent for the same

The Expenses of the Chinamen while at Hakodadi were paid by me see Voucher No. 1 also their expenses to China see Vouchers Nos 1 & 2, and letter of Mr. Batchelder of Sept 22nd 1870. and my reply thereto dated October 30. 1870

The Japanese Govt. have no claim for subsisting the Chinese Bark Cayalti, all having been paid by Mr Rice. see Vouchers in full satisfaction from the present Government, and A. M Batchelder — Vouchers Nos 1. 2. 3 & 4

Statement as Report No 5. shows the Condition the Vessel was in at the time boarded Nov 6. 1868. During a portion of the time the Island was occupied by the so called Rebel Government. the Chinamen belonging to the Cayolti were compelled to work on the fortifications for which they received their board and Clothing, and no charge was made for support during this period, which was from six to Eight Months. For the balance of the time before and after, until shipped to China the bills for their maintainance were paid by Mr Rice with money in part furnished by Capt. Batchelder see Drs Nos 1. 2 & 3.

"Copy"

To furnishing food to Chinamen
Rice 935. Book 3. Cash 204.2
Received from Mr Rice.
Rice — 25.

910. Book. 3, cash 204.2
Balance which are are going to receive.

Rec'd above mentioned
10 Month (Mona)
Kaitakushi
at
Ha-Kodate

Seal

Translation

Memorandum

Whole expenses for the board &c of the Chinese } 935 Rios 9542.

paid in 25 "

Balance 910 " 9542.

Received the above mentioned sum this day.

The 8th Day of the 10th month of 3rd Year of Mei-dzi

(L.S) Department for the Cortivation of Northern provinces.

for Translation
Fukuoka

: the 3rd Feb 1871.

Secretary of the Japanese Mission to U. S. A.

2

Received Hakodadi November 5th 1870, from E.E. Rice, Esq. a draft dated Nov. 25th, 1869, from the Bank of California on the Oriental Bank, Yokohama, for Twelve Hundred and Fifty Seven Dollars it being the nett proceeds of coolies taken from the Chinese Coolie Passengers of the Cayalti. The said amount to be credited on my account for advances made for transporting the Passengers to Shanghai, & paying the Japanese Government their claim against the Cayalti Chinese Coolie Passengers.

J. M. Batcheldor.

$1257.

Nakodadi, Octobes 15, 1869.

Received on board the Stmr "Hong Kwe" to be conveyed to the port of Shanghai, there to be delivered to Geo. F. Seward, Esqrs. U.S. Consul General, Thirty nine (39) Chinese piratical prisoners ex "Cayalti" who have been in the custody of the Japanese Govt since Aug. 1868. Passage money for the same to be paid at the rate of Twenty (20) dollars each, from the proceeds of the sale of the Bark "Cayalti" when that vessel is sold.

J. M. Batchelder.

Yedo, September 22, 1870.

E. E. Rice, Esq.
U.S. Consul
Hakodadi,

Dear Sir:

The money due me from Bark Cayaltii for transporting the thirty nine Coolie murderers belonging to her from Hakodadi to Shanghai as agreed with Governor Hachobi & yourself in October last - seems no nearer being paid than it did last October - it was then agreed I should be paid from proceeds of sale of said Cayaltii within a few months Twenty dollars for each Coolie & one dollar a day for keeping charge of said Cayaltii until sold.

39 Passengers at $20. -	780.
12 Months Keeps for Cayaltii	365
	1145.

Now as the Japanese will not take any steps to have the Cayaltii sold - but insist upon having their money for keeping said Coolies & feeding them. Now to prevent any further delay about settling this matter, I will advance the sum required to pay the Japanese Government this day Viz

	911
	$2056

Making in all to October 15th due me of Two Thousand and fifty six dollars - provided you will

endorsed over to me for collection the certificate of deposit you hold for Twelve Hundred and Fifty seven dollars in the Oriental Bank for coin received from said Cayalti Passengers, leaving due me to October 15th Seven Hundred and ninety nine dollars $799. for which please hand me a certified copy of on my arrival at your port soon.

You and then take such steps as to have the same collected as soon as it can be legally done as the Cayalti is liable to sail any time. In case you should wish the money as above at any time, you can call on Captain Trebilcock and he will hand you the Nine Hundred & eleven Pios claimed by the Government.

Most respectfully yours,

J. M. Batchelder.

3 1/2.

22

United States Consulate.
Hakodadi, Oct. 30, 1870.

James M. Batchelder Esq.
Yedo.

Sir:

Yours letter dated Sept. 22. last came duly to hand, and as yours request or proposition to my mind is just, I have this day received from Capt. Preble Nine hundred and eleven and paid the full bill of the Japanese Government as per bill here enclosed. Upon your arrival here I will endorse the certificate of deposit ($1257 mex) Twelve hundred and fifty seven mexican dollars, it being the nett proceeds of various coins taken from the said Chinese piratical passengers upon their arrival here, and leaving a balance due you of seven hundred and ninety-nine cts/ dollars, which is to defray additional expenses that may occur must come from the amount derived from the sail of the ship. I will lay this matter before the Ministers for his advice and direction.

Respectfully
&c &c.

C C Rice Esq.
U.S. Consul

Sir:

I beg to address you, that the Chinamen, those who are to come across by the "Bark Cayalty," in which a some days ago I have already consulted with you upon the matter, and account of how to managing of those Chinamen, and in which at that time we are mutually agreed to send them away to their country, and on this account, herewith, I send you this accompanying 2 bills; which we have given to them every day to they ourselves up to this date.

I trust as you will be paid as soon as possible

With respect and
Consideration
Kawiba & Tazgodyi

10th, 9th Month, 1861.

Quadruplicate.

U.S.S. Iroquois, 3d.
Hakodadi, Japan.
November 6th, 1868.

Sir:

In obedience to your orders of Nov. 5th. we have held a strict and careful survey upon the hull, spars, sails and rigging of the American barque "Cayalti" now at anchor in this harbor and respectfully report as follows:

In examining the hull we find her both inside and out as perfectly sound and seaworthy. She makes no water and has not for a long time, to judge by the condition of the main bilge pumps which could not have been used for a number of months, there is now no water in bilge. A few slight repairs are necessary however, as the step of the after davit of port quarter boat is broken off, and the copper is off the bows in one or two places. The windlass is broken necessitating a new one at a cost of $150.00. If the iron work now on the old one cannot be used, — if any portion of it can be used it will reduce the cost. The spokes are off the wheel and a new one is necessary at a cost of $100.00. We think that the repairs on hull, bilge-pumps, a new windlass & wheel, can be done at a cost of $200.00. — and ten days labor of twelve Japanese

carpenter at $0.50 per day amounting in all to $260.00.
One boat remains to the ship, a very small one, - both
quarter boats are gone. two second hand ones might be
bought at a cost of not less than $150.00 each. On ex-
amining the masts and spars, we find the bow-sprit,
fore, main and mizzen-masts, jib boom, main
and mizzen top masts, spritsail yards, fore and
main yards, main topsail yards, main topsail &
spanker gaff & spanker boom in good condition.
The iron gooseneck on spanker gaff is broken
but a new one can easily be put in at a slight cost.
A spare main top gallant & royal mast was
found in the hold in good condition. The fore
top mast is twisted & has a very large crack in it.
The fore topsail yard has the port yard arm broken
replaced roughly, we condemn both of them. The
flying boom, fore top gallant & royal masts
for top-gallant and royal yards, the main top-
gallant & royal masts with the top gallant and
royal yards are gone, together with all the studding
sail booms, excepting the starbd lower boom. The
spars which we condemn or have been lost, can be
replaced with the exception of the studding sail booms,
at a cost of $500.00, but it will be very difficult
to have these spars made in Natodadie & if the
cost if made here will probably be much more.

The rigging of the ship both standing
& running. is in a very bad condition. We condemn
all the running rigging. The fore main and

mizzen boom rigging is in a pretty good condition, though attempts have been made to cut portions of it, it is still safe. The fore & fore topmast stays, the main, main topmast & middle stays, the mizzen & mizzen topmast stays are good, but all the others including the guys, martingales & back ropes for the head boom, topgallant & royal back stays & fore & main topmast rigging are either gone or else worn out. The boats falls are good & the flemish horses & foot ropes on the yards are not safe. The topsail ties & sheets are of chain, and are in good order. The brace pennants & blocks of lower yards are good but the braces are rotten and worn out.

We are of the opinion that $1000. will pay for the gear required & fit it about the ship. The work should not consume more than two weeks with the services of ten riggers, neither the rope required nor the men can be obtained in Hakodadi.

The sails are in a particularly bad condition: all that we can recommend for repairs, are the one mainsail, one M.T. staysail, one main Top Gal. staysail, one foresail, one topsail, one Royal, two topgallant sails & one flying jib.

One gaff topsail, one mizzen staysail, one jib, two topsails, one topmast studding sail, one spanker, one royal, one jib, one fore topmast staysail, & one topgallt sail, are not worth the slightest repairs the canvass is mildewed and very rotten. We estimate the cost of repairing those sails which can be repaired,

at $100. and even then we do not consider them seaworthy at this season of the year, and that of replacing those that cannot be repaired, excepting one topsail & the studding sails, at $600. and it will take two first class sailmakers seven days to complete the entire work. Also the services of twelve Japanese coolies for at least seven days is necessary to clean the cabins, forecastle & hold, which will cost at one itzuboo permam per day, $28.00. A coat of paint should be applied to the quarters of the officers & crew, which would cost not less than $1500. There is no galley or any place for one, a common cooking stove is down on the ballast in the hold, without pipe, and the appearance are that it has always been used there. We recommend that a galley be built on a deck in the after part of the hold and that the stove be used as a galley. This can be done at Hakodadi at a cost of $250.00. including carpenters work & pipe for stove.

Very respectfully.
Nicholl Ludlow Lt. Comd.
H R Wilson Ensign
Herman Peters Boatswain
Josiah C. Crowell. Sailmaker.

To
Comdr Earl English U.S.N.
Comdg U.S.S. Iroquois.

Approved
Earl English
Commander.

No 91 Legation Yokohama

Japan March 29th 1871

Sir

Your instructions received by me from the date of the receipt of them by you from the Hon the Secretary of State. I hereby suspend you from the position of Consul for Hakodada Japan, pending certain investigations that I am directed to make

By virtue of instructions from the same source I have this day appointed C C. Shepard Consul at Yedo as acting Consul for Hakodada to receive from you the property of the said office and to discharge the duties of Consul at Hakodada until further directed

You will transfer on the receipt by

A. Adams Esq

Consul. Hakodada

Japan

[illegible] of this despatch which I shall forward to you by Mr C O Shepard at once turn over to him all of the books seals flags &c of said Consulate taking his receipt therefor and discontinue exercising the functions of Consul at that port until further directed.

The charges that I am directed to investigate relate to your official actions as Consul at Hakodade and also that of the late Consul E E Rice in regard to certain charges which you have preferred against him.

Mr C O Shepard will furnish you with copies of certain papers that Mr Rice in reply to your charges has laid before the Hon the Secretary of State and which he has forwarded to me, and after

after furnishing you therewith he will proceed to take such testimony as may be offered in support of and against your charges. and report the same to me upon my arrival there which will be very soon.

I have the honor to be

Sir

Your most obedient Servant

E. E. De Long

Contents.

Despatch No 39. with Enclosure
D E Rice to C C De Long.

Book No. 4

Index

No 1. Letter of Nathan E Rice No 39. of 1871. Recd Aug 25: 1871 with 28. Enclosures being a report of the evidence collected by Mr Rice in reply to the charges against him.

No 2.

Account of E E Rice with Ship Cayatte showing receipts from all sources $ 1357.00 Expenses incurred in deportation of Chinese &c $ 2097.00

No 3.

E E Rices account of the quantity and value in Mexican dollars of the money received by him from the Japanese Authorities; which was taken by them from the Cayatte Coolies. showing a total value in Mex Dollrs of $ 1228.11

No 4.

Report made Nov 6th 1868. by Messrs Sadlow Wilson Peters Cuer Crowell. to Comdr Earl English Wls Corporis. of Survey of "Cayatte"

No 5

Letter of Japanese Authorities to E E Rice presenting account for keeping Chinese. in Rice 910.

No 6.

Letter of Captain Batchelder E E Rice. Sept 22 1870 presenting his claim of $ 1145.00 for transporting the Coolies & keeping the ship. Offering to advance the 910 Rice to the Japanese Govt: if Rice will transfer to him Certificate of Deposit in Oriental Bank Corp $ 1257.00 & have the vessel sold to pay the amount

No 7.

E E Rice to Capt Batchelder Oct 30th 18[illegible]
accepting his proposal & acknowledging the rec[illegible]
from his agent of the sum of 911. Rios.

No 8.

Receipt of Japanese Authorities to E E Rice for
Sum of 910 Rios 3 Boxes 11 Casks leaving a
balance claimed by them of 25. Rios.

No 9.

Receipt of Batchelder to Rice dated Nov 5th
for draft of $125.00

No 10

Receipt of Batchelder for 39. Coolies passa[illegible]
on board Hong you to be transported for the
sum of $26.00 each, to be paid from the
proceeds of the vessel when sold

No 11.

Letter E E Rice to R B Van Valkenburgh of
date Aug 20th 1868. No 45. – Reporting the
arrival of the "Caryatte" & his proceedings in
taking possession of Her.

No 12.

Same to Same of date Oct 20th 1868, continuing
his report ~~of date~~ about the Barque.

No 13.

E E Rice to Consul General for Prus at San
Francisco of date Oct 22nd 1868. Reporting the
arrival of the Caryatte. that no money was

formed in the ballast. that the only cargo was some sheep wine and arms heads. &c

No 14.

E E Rice to Commander Earl English. dated Nov 4th 1868. asking for a Survey of the Cayatte

No 15.

E E Rice to British Consul London charging Berwick & others British subjects with having taken planes money &c from the Cayatte and requesting their examination

No 16.

E E Rice to Japanese Authorities notifying them that the Cayatte is an American Vessel that he has taken possession of &c requesting their assistance

No 17.

E E Rice to Minister Van Valkenburgh dated Nov 11th 1868. Reporting the arrival of Com. English; the overhauling of the vessel finding the Sea Letter &c for 1800 tons only mostly in gold; Ship has been surveyed. fitted up to write Chinese & Chinese put in charge of Japanese Govt.

No 18.

Same to Same of date Nov 20th 1868. forwarding copies of Cayatte papers & Surveyors report

No 19.

Extract from report made by Mr Rice to the State Dept about Mr Walker. denying his citizenship

asserting his bad character and denying that he received $50. from him for procuring a Note

No 20.

Explanatory Report by Mr Rice with his despatch No 39. of 1871 answering & replying to Mr Dennis charges against him & referring to his evidence

No 21.

Lease by Japanese Priests in Hakodada of certain Lands to P. Rice dated Jany 18th 1869. for fifty Ries per year.

No 22.

Receipts of Priests for rent from July 1869 to January 1st 1871

No 23.

Agreement of P. Rice & Priests about dispensing Com

No 24

Statement of one John H Dennis that he [illegible] seen such an agreement as stated in last mem

Copy. 1

89. United States Consulate
Hakodadi Japan June 18. 1871.

Hon C. E. De Long
U.S. Envr. Ex & Min. Plen
Yokohama.

Sir,

I beg respectfully to transmit herewith Enclosures Nos 1 to 18 and A, A1. B. B1, relative to Mr A. C. Dunn's charges against Mr E.E. Rice concerning the "Cayalti" and titles to certain lands in Hakodadi held by Mr Rice.

Accompanying the same is an Explanatory report which I trust will have your approbation.

I have the honor to be
Sir
Very Respectfully
signed. Nathan E. Rice
Actg Vice Consul.

United States Consulate
Hakodadi June 18. 1871

Nathan. E. Rice
Acting Vice Consul.
Received

Enclosures
1 to 18
A. a', B, B'!
and explanatory papers
for same.

Concerning Indemnities
relative to charges of
Mr Dunn vs Mr Rice

Bk. "Cayalli" in acct with E. E. Rice Hakodadi

— Dr —

To Subsistence money pd.	25.	
" Passage of 39 chinese to China	780.	
" Subsistence money pd	910.	
" Watchman's Yr I.M.B.	365.	
" Incidental Expenses	17.	2097.

— Cr —

By cash		
Contribution by chinese here	100.	
Proceeds of sale of Coins in S. F.	1257.	1357.

Balance to Dr Rio $ 740.

Hakodadi
June 14. 1871 } E.E.R.

United States Consulate

With Despatch No 29

U.S. Consulate

Hakodadi Japan

"Layalti".

Money received from Japanese Authorities by Col. E. E. Rice U.S. Consul at Hakodadi Japan taken from the Chinese on board the RK " " reduced to the value of Mex. dollars.

¥ dolls. 1.06.2	Silver Coin	New Peruvian dollar	.95	
	Peruvian dollars	262.	" 234.37	
	½ " "	100.	" 44.72	
	Ten cent pieces	86	7.69	
	Twenty " "	1207	215.94	502.72
	Japanese Silver			1.00
	Gold Coin at rate of 1.06.2 to Mex. doll.			
	American $20. gold pieces	20	400.	
	Peruvian " "	33	660.	
	Octagon	1	50.	
	Gold ounces	4	60.	
	Am. $10. gold pieces	4	40.	
	Peruvian " "	6	60.	
	" $5. "	6	30.	
	Total gold coin		1300.	1224.11
	Gold sleeve buttons			4.00
	Total value,			

The above valuation is without regard to the rate of Exchange at Hakodadi, from what I can learn I should judge $1.200. to be a fair valuation for the above.

pgned Thos. L. Tullock Jr
Paymaster U. S. Navy.

Hakodadi Japan
July 20. 1869.

With despatch No 89

Copy.

Money received from Japanese Authorities which was taken from the Chinese on board the Str. "Kayachi" Estimate made by Paymasters of U.S.S. "Yosemite".

Peruvian	dollars	262	233.07
"	½ "	100	44.72
Ten cent pieces		861	7.69
Twenty " "		1207	215.94
Gold Mexican dollars			4.00
Am$ 20. pieces		20	
Peruv. " "		23	
Octagon Gold. "		1	
Gold Ounces		84	
Am. $10. gold pieces		14	
Peruv. " "		6	
" $5. " "		6	1.224.10
Japanese Silver		1	1.—
			$ 1731.83

" Quantity of small copper coins of little value.

I can give 4000 boos for the above and consider myself safe.

Enclosure No 2
with despatch No 39
M. S. Guardiola
Hakodadi
"Kayachi"

Copy.

Quadruplicate.

U. S. S. "Iroquois" 3d rate

Hakodadi Japan November 6th 1868

Sir,

In obedience to your order of Novem 5th we have had strict and careful survey upon the hull, spars, sails and rigging of the American bark "Cayalti" now at anchor in this harbor, and respectfully report as follows. In examining the hull we find her both inside and out as perfectly sound and seaworthy - she makes no water and has not for a long time, to judge by the condition of the main bilge pumps which could not have been used for a number of months, there is now no water in the bilge. A few slight repairs are necessary however, as the step of the after davit of the quarter boat is broken off, and the Copper is off the bows in one or two places. The mudlass is broken necessitating a new one at a cost of $150.00, if the iron work now on the old one cannot be used - if any portion of it can be used it will reduce the cost. The spokes are off the wheel and a new one is necessary at a cost of $15.00. We think that the repairs on hull, bilge pumps, a new mudlass & wheel, can be done at a cost of $200.00, and ten days labor of twelve Japanese carpenters at $0.50 per day amounting to in all $260.00 One boat remains to the ship - a very small one - both quarter boats are gone - two second hand ones might be bought at a cost of not less than $150.00 each. In examining the masts and spars - we find the bow sprit, fore, main and mizzen masts, jib boom, main and mizzen topmasts, sprit sail yard, fore and main yards, main topsail yard, main topsail & spanker gaffs & spanker boom in good condition. The main gaff & spanker gaff is broken but a new one can easily be put in at a slight cost. A spare main top gallant & royal mast was found in the hold in good condition. The fore top mast is twisted & has a very large crack in it. The fore topsail

yard has the port yard arm broken & spliced roughly. the
coindeam both of them: The flying boom, fore topgallant
& royal masts, fore topgallant & royal yards, the main
topgallant royal masts with the topgallant & royal yards
are gone, together with all the studding sail booms,
excepting the starbd lower booms. The spars which w
coindeam or have been lost, can be replaced with the
exception of the studding sail booms, at a cost of $500.
but it will be very difficult to have these spars made in
Hakodadi & the cost if made here will probably be muc
more. The rigging of the ship both standing & runnin
is in a very bad condition. We coindeam all the
running rigging. The fore main and mizzen lower
rigging is in a pretty good condition, though attem
have been made to set portions of it, it is still safe.
The fore, & fore topmast stays, the main, main topmast
& middle stays, the mizzen & mizzen topmast stays
are good, but all the others including the gaff
mastingales & back ropes for the head booms, topgallant
& royal back stays & fore & main topmast rigging are
either gone or else worn out. The boats falls are gone
and the flemish horses & foot ropes on the yards are
not safe. The topsail sheets & sheets are of chain and are
in good order. The brace pennants & block of lower yard
are good, but the braces are rotten & worn out.
We are of the opinion that $1000. will pay for the gear required
& fit it about the ship. The mink should not consume more
than two weeks with the services of ten riggers, neither
the rope required nor the men can be obtained in
Hakodadi. The sails are in a particularly bad
condition; all that we can recommend for repairs
are the one mainsail, one M. T. Staysail, one main top
Gall. Staysail, one foresail, one topsail, one Royal, two
topgallant sails & one flying jib. One gaff topsail

one mizzen staysail, one jib, two topsails one topmast studdingsail, one spanker, one royal, one jib, one fore topmast staysail & one topgallt sail, are not worth the slightest repair, the canvass is mildewed and very rotten. We estimate the cost of repairing these sails which can be repaired at $100. and even then we do not [redacted] consider them seaworthy at this season of the year, and that of replacing those which cannot be repaired, excepting one topsail and the studding sails at $600. dollars, and it will take ten first class sailmakers seven days to complete the entire work. Also the services of twelve Japanese coolies for at least seven days is necessary to clean the Cabins, forecastle & hold, which will cost at one itzbo per man per day $28.00. A coat of paint should be applied to the quarters of the officers crew, which would cost not less than $15.00. There is no galley or any place for one, a common cooking stove is down on the ballast in the hold, without pipe, and the appearances are that it has always been used there. We recommend that a galley be built on a deck in the after part of the hold, and that the stove be used as a galley. This can be done at Hakodadi at a cost of $25.00 including carpenter work & pipe for stove.

Very Respectfully
Lt Coll Ludlow Lt Com
H. R. Wilcox Ensign
Herman Peters Boatswain
Josiah E. Crowell Sailmaker

To Comdr Earl English U.S.N.

Approved
Earl English Comdr

Comdg U. S. S. "Iroquois"

Mil despatch No 39.

U.S. Consulate
Kiukiang Japan

Sept 1st

Copy.

E. E. Rice Esq
U. S. Consul

Sir,

I beg to address you that the chinamen those who are to come across by the Bk. "Cayalti" in which a some days ago I have already consulted with you upon the matter, and account of how to managing those chinamen and in which at that time we are mutually agreed to send them away to their own country and on this account herewith I send you this accompanying 2 bills which we have given to them every day to their own expenses up to this date. I trust as you will be paid as soon as possible.

With respect & consideration,
signed - Habibi Jangodji

10th 9th month 85.

Copy of Translation
Memorandum.

Whole expenses for the board &c of the chinese 985 Rds 95-42

paid in 25 "

910 "

Enclosure No 4
with Despatch No 39
U. S. Consulate
Hakodadi

"Loyalty"

Copy.

Yedo September 22, 1870.

E. E. Rice Esqr
U. S. Consul Hakodadi

Dear Sir,

The money due me from Bk. "Cayalti" for transporting the thirty nine coolies murderers belonging to her from Hakodadi to Shanghai as agreed with Governor Hashite and yourself in October last seems no nearer being paid than it did last Oct. It was then agreed I should be paid from proceeds of sale of said "Cayalti" within a few months. Twenty dollars from each coolie and one dollar a day for keeping charge of said "Cayalti" until sold

39 passengers at $20. 780.
12 months Keeper for "Cayalti" 365 $1.145.

Now as the Japanese will not take any steps to have the "Cayalti" sold, but insist upon having their money for keeping said coolies and feeding them, now to prevent any further delay about settling this matter, I will advance the sum required to pay the Japanese Government this day Rio 911 making in all to October 15th due me $2056. of Two thousand and Fifty six dollars, provided you will endorse over to me for collection the certificate of deposit you hold for Twelve hundred and fifty seven dollars on the Oriental Bank for coins rec'd from said "Cayalti" passengers, leaving due me to October 15th Seven hundred and ninety nine dollars $799. for which please hand me a certified copy of on my arrival at your port soon. I can then take such steps as to have the same collected as soon as it can be legally done, as the "Cayalti" is liable to sink anytime. In case you should wish the

Money

Enclosure No 3

with Memorandum of 29th

M. A. Cameron

Adjutant

" Quartermaster

Copy.

United State Consulate
Hakodadi October 30. 1870

James M. Batcheeder Esq
Yedo

Sir,

Your letter dated Sept. 22d last, came duly to hand, and as your request or proposition to my mind is just, I have this day received from Capt. Preble nine hundred and eleven Rio and paid the full claim of the Japanese Govt. as per Bill rect enclosed. Upon your arrival here I will endorse the certificate of deposit (207 dex.) Twelve hundred and fifty seven mexican dollars, it being the net proceeds of coins taken from the said Chinese piratical passengers upon their arrival here, and leaving a balance due you of seven hundred and ninety nine dollars ($799.) which with any additional expenses that may occur must come from the amount derived from the sale of the ship. I will lay this matter before the Minister for his advice and direction.

Respectfully,
signed- E.E. Lee
U.S. Consul.

Enclosure No 6
with Despatch No 29
U. S. Consulate
Hakodadi

"Kayaki"

Copy.

To furnishing food to Chinamen
Rios. 935 Boos 3 cash 204.2
Received from Mr Rice
Rios 25

Rios 910 Boos 0 cash 204.2
Balance which will me going to receive
Received above mentioned
10th month (Muna)
Kaitakuchi at
Hakodadi

Seal

Enclosure No 7

with Despatch No 39

U. S. Consulate

Hakodadi

"Cayalti"

Copy. 9

Received Hakodadi November 5th 1870 from E. E. Rice Esq a draft dated Nov 25th 1869 from the Bank of California on the Oriental Bank Yokohama for Twelve hundred and fifty seven dollars, it being the nett proceeds of coins taken from the Chinese coolie passengers of the "Cayalti" said amount to be credited on my account for advances made for transporting the passengers to China, and paying the Japanese Government their claim against the "Cayalti" Chinese coolie passengers.

Signed. D. M. Batcheleder.

$1257.

Enclosure No 8
with Despatch No 39
U. S. Consulate
Hakodadi

"Cayalti"

Copy.

Hakodadi October 15. 1869.

Received on board the stmr. "Hung Lue" to be conveyed to the port of Shanghai china there to be delivered to Geo. F. Seward Esq U. S. Consul General, Thirty nine (39) Chinese piratical prisoners ex "Cayalti", who have been in the custody of the Japanese Government since August 1865. Passage money for the same to be paid at the rate of Twenty (20) dollars each from the proceeds of the sale of the Bark "Cayalti" when that vessel is sold.

Signed- L. M. Batchelder.

with despatch No 39

U. S. Consulate
Hakodadi

"Cayalli"

No 45. U. S. Consulate
Hakodadi Aug 20. 1868.

Chas R. Van Valkenburgh
U.S. Minister Resident
Yedo.

Sir,

Yesterday afternoon 19th inst. about two o'clock a boat apparently an American came into this harbor and anchored. From her appearance I judged she was in distress and as soon as I could procure a boat I went on board accompanied by a chinese merchant. I found no European on board and the vessel was in charge of seven chinese. She had no name except on the bell "Bertha 1836, which was cut in plain letters. The chinese told me through the interpreter that they sailed from Macao and had been to sea for six mos. that the cargo consisted of silks, sugar, flour and rice, that in a large wind the Capt. & crew left in two of the boats and they have been drifting about ever since. I then asked for their flag, they produced the U. S. Ensign and said it was the flag the Capt. hoisted when they left Macao. I fastened it to the mizzen rigging as the signal halyards were blown away, and went below to search for ships papers &c and found some treaty like enclosed, but nothing whatever of such books and papers as vessels are supposed to carry. When I returned on deck, I found the U.S. flag lying there, and one Henry Berwick of the firm of Thompson & Berwick Butchers in the act of hoisting their ensign in its place, but I immediately ordered the flags changed, telling him that if he repeated the act, I would throw him into the sea, that I should put the vessel in charge of the Custom House officials. he then left, shortly after

with despatch No 39

I went on shore, turned over the ship to the keeping of the Japanese officials who immediately went on board and remained. In the night Berick went on board, hove the anchor and brought her further up into the harbor near their place of business. At five this morning I went on board and the same time Berick hoisted the Spanish flag, the Japanese flag still in the rigging, he said the chief had put him under charge to repair the Midlands &c. I left the Japanese still on board and called at 6½ upon Mr Carden and told him the above facts, & he proposed a Consular meeting at my office at 10 A.M. at which time said meeting was held all Consuls present. I stated the case as far as I knew, then Berick was sent for and while he was making his statement, Thos. Blakiston called him out and advised him to go on board, slip the cable, and keep the bark out of the harbor. This was luckily overheard by Mr Davis, standing near by who reported the same, and the Court at once adjourned to meet on board ship, thus preventing such a high handed crime from being committed by three unprincipled Englishmen. It was finally agreed about 1 P.M. that the flags should all be taken down which was done, and the Japanese substituted, the Chronometers taken on shore for safe keeping and examination. At about 2 P.M. the Am. Ensign was taken down a second time and put below, there being none but Englishmen and Japanese on board, when enquiries were made all denied any knowledge of how or by whom it was done. As the English Consul here will not or cannot punish this high handed proceeding on the part of his subjects I am compelled to refer the matter to you for advice or for you to take such measures as you shall deem proper in the premises. On further examination we found many marks of blood on the carpet and panelling partially

and quite recently obliterated by scraping and the use of lime. There can be no doubt that the Chinese are Pirates, and that the Capt. & crew were butchered and thrown overboard. The vessel is Am. build and is undoubtedly the "Bertha" built in Portsmouth N. H. about 1835, she is oak built found and tight about 350 tons. Her rigging is now very bad condition and looks as though and looks as though she had seen very tough times. How the Chinamen ever got her in here is indeed a mystery. She has been drifting about here for some time, & some few days ago a vessel was reported in Volcano bay with Chinese on board which turns out to be the same craft, and if I am not mistaken it is the vessel sold in Macao by Townsend Harris some time previous to 1859. The only cargo now on board is some hoop iron & a few sacks of flour.

^ ~ ~ ^ ~

I have to request that your Excellency make a peremptory demand that the three Englishmen Berwick, Thompson & Blakiston their advisor, be severely punished for their insults to the Am. Govt. flag, and its Consul at this place, as it was beyond any question a premeditated and repeated insult by the above named parties, by so doing it will prevent me from meting out instant punishment should a similar case occur again.

I am indebted to Capt. Brown of the Stmr. "Lauga no Kanii" and Capt. Steckman of the Br. Bark "Graemere" for their active defence on behalf of the flag & myself.

I am Sir &c

signed— E. E. Rice

Consul—

with despatch No 39

U.S. Consulate

Hakodadi

"Saigoku"

Copy. 13

No 54. U. S. Consulate
Hakodadi Dec 20. 1868

Gen A. B. Van Valkenburgh
U. S. Minister Resident
Yedo

Sir,

It is now almost a certainty that the coolie bark is Am. build, with Peruvian owners, and has for the last three years sailed under the United States flag, and will undoubtedly be handed over to me by the Japanese Government, therefore I request your advice relative to the disposition of the Coolies and Ship.

My present opinion is that the bark should be sold for the benefit of whom it may concern, and the coolies sent to the Coal mines for a term of years as Pirates. The ship is old, in bad condition and would cost at least two thousand dollars before she would be seaworthy. The Louriero is now in possession of all the facts concerning this affair up to this date, and has promised to communicate them to you.

The Russian Consul and some others here now appear in a disgraceful light on account of their action in this affair.

^ ^ ^ ^ ^ ^

I have &c
signed - E. E. Rice
Consul.

mid despatch No 39

Enclosure No 1

with Despatch No 39

U.S. Consulate

Hakodadi

"Cayalti"

Copy.

No 55. U. S. Consulate
Hakodadi Oct 22. 1868.

Consul General for Peru
San Francisco Cal.

Sir,

I beg to enclose No 38 of Buletin, da Prensa de Macao times, dated Sept. 21. 1868, giving an account of the arrival at this port of a vessel with only coolies on board. She sailed under the Am. flag and is beyond doubt the Bk. "Gaiyato" of Cadao owned by D. Julian Zacaroudait of Lima. Nothing can be elicited from the Chinamen, although they have been repeatedly and carefully examined. Fears are entertained that they have brutally murdered the Capt. and crew, traces of blood having been found in the Cabin and berths. On the first day of their arrival they endeavored to remove them by scraping the paint. The barque having been so long at sea is in very bad condition, nearly destitute of sails, boats & provisions, from twenty to thirty years old and of little value, no cargo except some hoop iron and arrow heads.

On overhauling the ballast &c no money could be found although she is reported to have had from twelve to fifteen thousand dollars on board.

While drifting about unable to find the Chinese coast, the Coolies have expended among the natives of the east coast of Japan some three or four hundred dollars for supplies. Had they known into whose hands they would fall, doubtless this part would have been avoided. They are now in close confinement awaiting a still more rigorous examination by the proper authorities when it is hoped the whole facts may be ascertained.

The conduct of one Bewick and others in attempting

out of purely unnecessary motives to gain possession of the ship claiming her to be of European build, against the strongest evidence that she is Amer. has been disgraceful in the extreme. I would suggest that these facts be published in your city papers in order to obtain further information regarding the ship and owners, and request you to communicate all such to me at your earliest convenience, it being desirable to dispose of the case as soon as possible, to do justice to all parties and avoid further expense. Should circumstances arise compelling me to dispose of this affair before hearing from you, I shall sell the vessel for the benefit of whom it may concern, and hold the proceeds after paying all expenses, to order of owners, when clearly established. Too great an outlay would be required to fit her again for sea and funds could not be obtained on the security of the ship. The case clearly shows the importance of having consuls in this part of the world to protect the Commercial interests of all nations.

Yours &c

Signed — E. E. Lee

Consul of the U. S. and Portugal.

with despatch No 39

U. S. Consulate

Halifax

Nov 4th

Copy. 14

No 58. U. S. Consulate
Hakodadi Nov 4. 1868.

Commander Earl English U. S. N.
Comd'g U. S. S. "Iroquois"
Sir,

I would request that you order a survey upon the hull, Spars, Sail & rigging of the Haw. Bk "Cayalti" now at anchor in this port, and brought here by 44 Chinamen.

Having thoroughly overhauled the vessel in my opinion all doubt as to her nationality is at an end, her clearance, crew list, and other papers being discovered signed by the U. S. Consul at Callao Peru, with the Consular Seal attached.

My object in requesting the survey is that justice may be done to all parties interested.

Very Respectfully,
signed - E. E. Lee
U. S. Consul.

with Despatch No. 84

U. S. Consulate
Hakodadi

"Cayalh"

Copy.

15

No 59.

U.S. Consulate
Hakodadi Nov 9. 1871.

R. Enoden Esq
H.B.M's Consul

Sir,

I have good reason to believe that Thompson & Bewick have received money, spy glasses, and other property taken from the Am. Bk "Cayalti" that was brought into this port by Chinamen. Also that Blakiston Mann & Co have received several hundred dollars as above and changed for other coin, and that Joseph Alburion can give important information as to the above. Therefore I respectfully request that all of the above men, British subjects be examined under Oath and otherwise dealt with according to law in such case made and provided.

I have re
spied - E. E. Rice
U.S. Consul.

with duplicates for my

Enclosure No 14
with Despatch No 39
U.S. Consulate
Hakodadi

"Cayalti"

Copy. 16

No 65.

U. S. Consulate
Hakodadi Nov 9. 1868.

To the Japanese Authorities
Hakodadi,

I have to inform you that I have with the assistance of Capt. English of the Am. Man of War "Iroquois" ascertained beyond a doubt that the Bark which was brought into this port last August by 41 Chinamen is American property.

We have found on board said bark the ships papers which were made out in due form as the Bk. "Cayalti" and signed and sealed by the U. S. Consul at Callao Peru. Accordingly I have taken possession of said barque "Cayalti" and until the Chinamen and barque can be disposed of in a proper manner. I have to request your assistance as provided by Treaty.

With respect &c
signed - E. E. Rice
U.S. Consul.

Enclosure No 15
with Despatch No 39

U.S. Consulate
Hakodadi

"Cazalet"

Copy. 17

No 62. U. S. Consulate
Hakodadi Nov 11. 1868.

Gen L. B. Van Valkenburgh
U. S. Minister Resident
Yedo,

Sir, Capt Earl English of the U. S. S. "Iroquois" arrived here on the 8th inst. with orders from Admiral Rowan to investigate the Bk. "Cayalti" affair, and if he found her to be Amer. to take her to Shanghai. On overhauling the vessel, we found a Sea letter Crew list, clearance and other papers, signed & sealed by the U. S. Consul at Callao Peru, copies of which will be handed you by Admiral Rowan. One of the Chinamen who had been a sailor in the Bk. for three years, stated upon Examination that the Bk. sailed under an Flag during that time, that three days out from Callao, the Coolies armed with Axes rushed on deck, drove the Mate overboard, and lowered a boat and killed them while struggling in the water. The balance of the crew they tied to an Anchor and threw overboard. The Captain they retained as prisoner on condition that he would navigate the ship to China, he however took them to some Island north of this, where he left upon pretence of getting provisions, taking with him one Chinese servant. From that place the ship has managed to reach Hakodadi, since when you have been fully informed. In regard to the money, Eighteen hundred dollars (mostly in gold) only has been found, and it is probable that the remainder is in the hands of some Foreigners and Natives here, but we have as yet been unable to clearly establish the proof against them (See Enclosure marked A).

Finding the ship unseaworthy, after a careful survey, she has been fitted up to winter here, and

and with the Chinaman, left in charge of the Japanese Coast awaiting further orders.

Great credit is due Capt. English for the highly successful manner in which he has conducted the investigation, finally obtaining under the most perplexing circumstances the truth from what seemed at first an inexplicable web of lies — Shall keep you advised from time to time should anything of importance occur. Expecting to hear from you soon

I remain

Yours truly

E. E. Lee

Consul.

Enclosure No 16.
With despatch No 89
to H.M. Consul
Kobe-Hiogo.
"Empress"

No 64. U. S. Consulate
Hakodadi Nov 20. 1868.

Hon R. B. Van Valkenburgh
U. S. Minister Resident
Yedo,

Sir,

I have the honor to hand you enclosed copy of Testimony in the case of the Am. Bark "Loyalti", Copy of Crew list, Sea Letter, and clearance from the U. S. Consulate at Callao Peru, and copy of Survey on said Bk. held by order of Comdr. Earl English of the U. S. S. "Iroquois".

× × × × × ×

I have &c
signed. E. B. Lucé
Consul

with Despatch No 29

U. S. Consulate

Hakodadi.

"Bayalti"

In regard to a statement about a charge of $50. for a deposition to one Wilkie see despatch of Mr Drum No 7 dated Dec 1. 1870.

It is not only false but absurd. If the statement was true he coned and showed have produced Mr Rice's receipt. Said Wilkie is not an American citizen either by birth or naturalization.

He is an exceedingly intemperate man and a notorious romancer. Having been under the protection of the American Consulate from his first arrival he gave the Consul more trouble than all the other residents. He was the Consuls cook for more than a year in 1857 & 1858, was on one occasion beaten by the natives and left for dead for entering into a Japanese house after midnight when on one of his drunken sprees. According to his best recollection he never paid him Mr Rice five dollars for all official acts he ever performed for him. He thinks this is all that is necessary to say to refute this charge.

Extract from Report made to S. Dept. by Mr Rice in Washington

with despatch No 39

with Despatch No 29

U. S. Consulate
Hakodadi.

Mr Lee's answer to
statement of Hilke rel. to
Protest.

Copy.

Explanatory Report concerning charges brought by Mr A. C. Dunn against Mr E. E. Rice for embezzlement, and relative to titles of certain lands in Hakodadi held by Mr Rice.

1st. Bark "Cayalti."

In Specification of the uses to which the proceeds received from Japanese Authorities by Capt. English U. S. S. "Iroquois" and E. E. Rice see Enclosure No 1 Re ~~mch~~ Bark "Cayalti". Monies received as above were appraised by the Paymasters of U. S. Sloops "Iroquois" and "Oneida", see Enclosure No 2.

The said "Cayalti" was never offered for sale to Mr Porter as stated in Mr Dunn's letter, but she was in an unmanned condition; (see Survey report Enclosure No 3) and the Japanese Government were pressing for payment of their A/c (see letter of Hakodadi Enclosure 4) and with the intention to sell her by public Auction, when authorized by the proper Authorities, Porter and others were asked to put a valuation on her as she stood in order to make a report. Mr Dunn's statement in regard to Mr Rice receiving rent for the "Cayalti" is false, see letter of J. M. Batcheldor to Mr Rice Enclosure No 5.

Enclosure No 6 is reply of Mr Rice to letter of Mr Batcheldor.

Enclosure No 7, is Hakodadi Government receipt for money due for food to Chinese.

Enclosure No 8, is J. M. Batcheldor's receipt for Bank deposit of $1257. Mex. which explains itself.

Enclosure No 9, is receipt for 39 coolie chinese placed on board "Hong Kong" for transportation to China.

all transactions with "Cayalti" were regularly

mch despatches No 39

reported to the Legation by Mr Rice, see Enclos
10/17 nres Nos 10 to 17 inclusive.

Relative to the second charge of Mr Dunn,
such an one cannot be sustained, as it refers
to a purely mercantile transaction. No Consular
services could have been given under the circumstances

17 Enclosure No 18, is Mr Rices reply to Charge No 3, and
I think it is quite correct, which can be proved
to the contrary by Hilkes's receipt from Mr Rice.
Relative to Mr Rice's title to lands in Hakodadi,
lease of Consulate and Vice Consulate lots are
recorded in the Legation.

A/ Enclosure A, is copy of lease granted in 1869 to Mr Rice
by the Priests of Jonjinge Temple of a lot of land which
has been occupied by Mr Rice since 1857, and built
upon by Mr Rice in 1863, and occupied by Mr Dunn
during his stay in Hakodadi.

A1/ Enclosure A1/ contains connected copies of receipts
for rent for same paid the Priests of Jonjinge Temple
since 1859.

B/ Enclosure B, is copy of an Agreement signed by
Vice Governor of Hakodadi providing for the
cleaning of the canal in the rear of Mr Rice's lot
"Hart" in the "New Ground" in Hakodadi, and Enclosure

B1/ B1/ is statement of John H. Dunn land owner
to show that said canal has not been cleaned.

Hakodadi Japan
United States Consulate
June 14th 1871

(signed) Matthew E. Rice
Acting Vice Consul.

Despatch No 39.

U.S. Consulate
Hakodadi June 18. 1871

~~Recieved~~

Enclosure No 19.
With despatch No 39.

Relative to charges of Mr
Dunn vs Mr Rice, and Mr
Rice's titles to lands in
Hakodadi.

Copy.

In duplicate.

Agreement between the Preits of Imjinze and E. E. Rice.

It is agreed between E. E. Rice and the head Preist of Imjinze Temple, to rent the lot of land now occupied by said Rice for a term of fifteen years, to be held by the heirs, executors or assigns of the said E. E. Rice for fifteen years from first of January 1869, and to be extended if required. For the rent of said land, a sum of say Fifty (50) yen per year payment shall be made until reduced by the Government to a fair rental, all the buildings thereon being the property of said Rice, may be rented or otherwise disposed of as he may see fit.

Hakodadi January 18. 1869 (25?)

(seal) signed E. E. Rice

Witness to signature
(signed) Geo. E. Rice

The above was translated into Japanese, on the reverse page, and signed by the head priest and sealed with the seal of the Temple.

U.S.C. Seal

signed - Nathan E. Rice
Acting U. S. V. Consul

Hakodadi June 14. 1871

Enclosure A 20

with Despatch No 29.

Hakodadi

Copy of Lease of Temple

ground to E. E. Rice in 1869.

Copy.

Received Fifty Rios from the Rice for rent from July 1859 to July 1860 ; seal of Temple

seal of Priest

Received Jan 6. 1860 from E. E. Rice Fifty Rios in full for rent of small Temple occupied by him for one year from July 1860 to July 1861 in advance as a friendly act.

Kio rio Bo seal

Received from E. E Rice Fifty Rios in full for rent of the house occupied by him up to July 1st 1862 and to Japanese sixth month & fifth day 2d year of Bunqua.

Kio rio Bo seal

Received Jan 1st 1863 from E. E. Rice Twenty five rios in full for rent of his Temple house up to this date.

Jonjinze seal

Received from E. E. Rice sum of Fifty rios for rent of Temple up to ~~Jan 1st~~ 1864.

Jujinze seal

Received from E. E. Rice sum of 25 rios to 7th 5th mo. 16th day July 1st 1864

Ho rio Ji seal

Received from E. E. Rice sum of 25 Rios for rent of Temple land to Jan 1. 1865

Jonjinzi seal

Received the sum of Fifty rios from E. E. Rice for rent of Temple ground from Jan 1. 1865 to Jan 1. 1866.

Ji mon seal

Received from E. E. Rice One hundred rios for two years rent of ground on which his mansion house stands. Hakodadi Jan 28. 1869.

Hosii Bo seal

Enclosure A. 21
with despatch No 39
Hakodadi.

Received from E. E. Rice Fifty nio for rent of ground on which his dwelling house stands from 1st Jan. 1869 to Jan 1. 1870, also Fifty nio for the year 1866 which is in dispute as the receipt cannot be found. When said receipt is found Fifty nio to be refunded.

Kio Rio Bo (seal)

Received rent of Jinjinzi dwelling lot from Jan 1. 1870 to Jan 1. 1871 Fifty nio (50) Jan 1st 1871. Shozen Bo (seal)

11th mo 14th day Mo.

The within are true Copies

Attest, (signed) Nathan E. Rice

Attz for E. E. Rice

Agreement rel to No 4.
Canal in vear to be cleaned out, but not deepened, beyond depth when made, Agreed to by E.E. Rice (signed) (Seal)
October 7. 1870

Signed - Sugeura Gunhankwan

Witness - Hyashimira Gonshoshuten
Government Interpreter.

Enclosure B. 22

With despatch No 39

Hakodadi

Copy.

I John Henry Dunn Resident of Hakodadi and lessee of Lots Nos 8 & 10, New Location in Hakodadi, do hereby certify, that I have seen an Agreement signed by Inguira Gunhan Kwan, agreeing that no rent shall be paid for Lot No 4, until the ditch in rear of same is cleaned, and I also certify that to my certain knowledge said ditch has not been cleaned since the signing of said paper, and remains now in a very filthy condition, and so shoal, that cargo boats have difficulty in entering the same.

Hakodadi June 13th 1871.

signed John H. Dunn

Hasrodadi

Statement of L. H. Dunn
relative to canal at
"New Ground."

Contents

Dispatches and Testimony
of
A. C. Dunn

BOOK, NO. 5

Ex No 1. Despatch No 146. Dunn to De Long replying to charges of E E Rice & forwarding his evidences.

Ex No 2 Complaint of A C Dunn. that E E Rice make ~~it~~ false Rep^n of Howell & Co. page 500. before allowing him to discharge cargo of a ship & that he did not act for them as ~~as~~ Consul — (Not Sworn to)

Ex No 3 — Complaint Dunn vs. Rice — Charg — illegal fee from C Gaertner (25^{00}) legal Charge $5 2^{nd}$

Ex No 4 — Letter Dunn from Consul C. Gaertner re G. Confed

Ex No 5 — Statement of Consul C Gaertner under oath in relation to above

Ex No 6 — Complaint Dunn vs Rice — transfer of flag S.S. Perla — also transfer flag Sh. Indemnidance — Chgs. 1500$

Ex 7 — Complaint Dunn vs. Rice. Illegal charges for certificate (4500^{00}) S.S. "Kanga no Kami"

Ex No 8 — Letter of Dunn to J.B. Mackie enclosing bill (1804^{50}) against S.S. "Kanga no Kami" bill of

Ex No 9 — Letter of Dunn to Rice letters, and Charges against above Steamer

Ex No 10 — Bill of Charges in transfer of above Steamer

Ex No 11 — Complaint of Dunn vs. Rice — Charge — receiving 1800$ (not accepted) in case of Bark "Cayalle" — also receiving & retaining Papers of said Bark (1792^{00}) — sending said Bark to Cork Bachelder & Co

Ex No 12 — Letter of Noivai Goslowzki to Dunn in relation to "Bark Providenced"

Ex No 13 Letter of Oni Jumoke Kinbousha to consular agents in relation to "Bark Providenced"

Ex No 14 Letter Rice "to the Japanese Authority" in relation to the nationality of "Bark Cayalli" — clearing from Cadiz.

No 15 – Letter of Hasebe Takeji to Consular agents the nationality of "Bark Cayalte"

No 16 – Letter of Ono Ajimisike to the Consular agents asking their presence at examination of Chinese on vessel in Actions

No 17 – Letter of Sugiura Makoto to Dunn in relation to arrival to arrival and seizure of the Cayalte – delivery of vessels monies to Consul Rice

No 18 – Letter of Murayamma Hatakeyama to Consul Rice – in relation to furnishing food to the Chinese on the "Cayalte" to Consul Rice

No 19 Letter of Capt. Bachelder enclosing claim for Keeping Chinese Pirates from "Bark Cayalte" asking Payment etc etc

No 20 Statement of Miller as to time that Bachelder had charge of the Chinese Pirates

No 21 Letter of Minister Lowe in relation to Claim against the Chinese Govt for Keeping the Pirates of the "Cayalte"

No 22 Letter of Thompson & Branch to Con. Dunn in relation to their delivery of the "Bark "Cayalti" to the Japanese Government etc

No 23 Inventory of Bark Cayalti when delivered to the Japanese Govt – by Jas. R. Thompson

No 24 Letter of Rice to Bachelder notifying him of receipt from Capt. Preble of monies from "Bark Cayalti" ($1257.00)

No 25 Letter of Bachelder to Dunn in relation to his Claim ($799) in the Cayalti affair

No 26 Statement of Coin Taken from the "Cayalti" and Turned over to Rice

No 27 Letter of Dr Long in relation to the nationality &c of the Cayalti &c

No 28 Statement of Cargo of the "Cayalti"

No 29 Complaint of Littlefield vs. Rice – to collect $916.89 for board of destitute seamen and other matters

30 Statement of Claim of Littlefield of indebtedness of Rice

No 31. Letter of F. W. Seward to Rice in relation to drafts for Expenses of wreck Canton Packet ($1000) & ($800)

No 32 Letter of Seward to Rice, as to non-payment of draft ($405). in relation to office rent

Copy. 1

Yedo Japan June 27. 1871

Excellency C. E. De Long
Env. Ex and Min Plenipotentiary
of the U. States in Japan

Sir,

I beg leave to state before retiring from the office of Consul of the U. States, at the Port of Hakodadi, I made a report to the Department of State, of the U. States, and your Excellency of serious charges against C. E. Rice, now re-appointed U States Consul at Hakodadi. In receiving instructions from your Excellency, that you would suspend me, appointing and directing Consul C. O. Shepard Esq, to take charge of Hakodadi Consulate, with full instructions to take all evidence, that might be offered by me, in support of said charges, together with any Defendant might offer in his behalf, with my order of suspension, to be handed me, and to take effect on receipt of same by me, was duly received, and I so arranged my complaints accordingly, which must be my excuse, for the manner in which I enclose them to your Excellency, which will be found in the following order, Case No 1 Embezzlement of $500. — Case No 2 Embezzlement, with endorsements &c — Case No 3 Illegal signing &c with inclosures. Case No 4 Embezzlement Fifteen hundred dollars. Case No 5 Malversation and corrupt conduct in office. Case No 6 In the matter of the Bark "Cayalda". In fulfilling this my last official duty, allow me on retiring, to express my sincere thanks for the kind and ever ready willingness you have always extended me, whenever sought for, and with unusual promptitude, I part with you officially with deep regret, our intercourse having always been of a pleasant nature, and I at least endeavored to discharge my duties to the best of my ability, and to the interest and satisfaction of both your Excellency and my Government, and I feel anxious to see you investigate it, knowing you will render your

decision

146

A. C. Dunn
to
C. E. DeLong

dated June 27. 1871
Rec'd June 30. 1871

Charges against C E Lee
& references to testimony
offered in support of the
same.

Copy.

In the U. S. Consular Court for Hakodadi Japan

Charles O. Shepard Consul

A. L. Drum U. S. Consul Plaintiff

E. E. Ree Late U. S. Consul Defendant

A. L. Drum the above named Plaintiff on oath complains of the above named Defendant E. E. Ree late U S Consul residing within the jurisdiction of this Court, and for cause of complaint avows and says. That defendant by acts of Congress passed July 20. 1840 and August 16- 1842 Paragraphs 188 Consular Regulations, is guilty of malversation & corrupt conduct whilst U. S. Consul in office, that is the said E. E. Ree did on or about the June 1867 charge and make the Firm of Howell & Co at this Port pay $500. five hundred dollars, before he would allow said firm to discharge a cargo on board an American bark named "Replyr", not one cent of which is accounted for on the books of this Consulate. Therefore in consideration of the foregoing premises Plaintiff prays judgement against the Defendant.

Sworn and subscribed to, before me Charles O Shepard U.S. Consul at Hakodadi Japan this the day of A.D. 1871.

Embezzlement

$500.00

Witnesses

Howell & Co

Harrodadi

In the U. S. Consular Court for Hakodadi Japan
Charles O. Shepard U. S. Consul
A. C. Dunn U.S. Consul Plaintiff
vs
E. E. Rice Late U.S. Consul at this Port, Defendant,

. Dunn U. S. Consul, the above named Plaintiff, on oath
plains of the above named Defendant E. E. Rice Late
Consul, living within the jurisdiction of this Court, as
ows, With Embezzlement of public monies, By acts of
gress passed March 26th 1869 and June 29th 1870. That is
said E. E. Rice did on or about the 16th day of Sept. 1868,
gally charge C. Gaertner Esq at this port, The sum of
Twenty five dollars, to note a protest, the legal charge
ing only $2. Two dollars, not one cent of it accounted
the U. S. Government or on the books in this Consulate.
Therefore in consideration of the foregoing premises
ntiff prays judgement against the Defendant.

Embezzlement

Sworn to and subscribed to before me Charles O. Shepard
U. S. Consul at Hakodadi Japan this the day of
AD 1871.

Seal.

No. 25.

Witness

C. Gaertner. Esq

H. B. Con. Consul

Hakodadi

With two enclosures

Copy.

North German Consulate
Hakodadi April the 25th 1871

J. C. Dunn Esq
United States Consul
of Hakodadi

Sir,

I have the honor to hand to you enclosed 2 (two) documents, which I have drawn up by your request as I am about to leave this port and cannot be present when the investigation of these cases would come forward.

I have the honor to be
Sir
Your most obedient humble servant.
signed C. Gaertner
Consul for the North German
Confederation

Received from U. S. Consul

U. S. Con. Consul

relating affidavits in

Cases Nos 2 & 3

April 25. 1871.

"1"

Copy.

North German Consulate Japan
Hakodadi April the 20th 1871.

In compliance with the request of the United States Consul A. C. Dunn Esq of this port, I herewith state, that I have paid to the United State Consul E. E. Rice Esq at the time of the 16th of September 1868, the amount of Mex. $25. cts for noting a protest for non delivery of goods shipped by the British steamer "Sunrise", which I thought a very unusual charge at the time, but was told by Mr E. E. Rice that such was the proper charge.

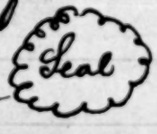
C. Gaertner
Consul for the North German
Confederation.

The Consul for North German Confederation R. Gaertner Esq appeared before me this 20th day of April 1871, and made oath to the above statements.

25/3 April 1871
No 2

A. Olarovsky
H. I. Russian Mis A Consul

Sworn to before me this 26th day of April 1871



A. C. Dunn
US. Consul

U. S. Consulate
Hakodadi Japan

The name of the North German Confederation Consul is C. Gaertner but not R. Gaertner.

A. Olarovsky.

Esq. the N. S. Gov. Council

re Case No 2.

April 25. 1871.

Mil Despatch No 146
of 1871. " 2 "

Copy.

the U. S. Consular Court for Hakodadi Japan
Charles O. Shepard Consul.
A. b. Dunn U. S. Consul Plaintiff
vs
E. E. Rice late U. S. Consul Defendant,

A. b. Dunn the above named Plaintiff on oath complains of the above named defendant E. E. Rice late U. S. Consul at this Port, living in the jurisdiction of this Court, and for cause of complaint avows and says - that said E. E. Rice late U. S. Consul at this Port defendant, did transfer the Flag of the Steamer "Seiho" of 530 tons, at this Port, on or about May 17th 1869 for Fabre Bourne & Co or Fabre or Fabre and Batchelder, making out papers of said steamer "Seiho" to Mr Batchelder as Owner - and he further did transfer the Flag of schooner "Independence" of Hakodadi on or about the 17th May 1869 for Fabre or Fabre Bourne & Co making out the vessels papers as owner Rice Bro. at Hakodadi - and illegally charging and taking on or about ($1500.) Fifteen hundred dollars for said change or transfer of Flag, not accounted for to U. S. Government or on the books in this Consulate. Wherefore in consideration of the foregoing premises, Plaintiff prays judgement against the Defendant.

Sworn to and subscribed to before me Charles O. Shepard U. S. Consul at Hakodadi Japan this the day of AD 1871

Enclosure No 5

Case No 4.

Embezzlement

$ 1500.00 —

Witnesses.

Blakiston Marr & Co

Fabre Boerne & Co

B. F. Littlefield

D. M. Batcheeder

In the U. S. Consular Court for Hakodadi Japan
Charles D. Shepard Consul
A. C. Dunn U. S. Consul Plaintiff
Versus
E. E. Rice late U. S. Consul Defendant

A. C. Dunn the above named Plaintiff on oath complains of the above named Defendant E. E. Rice late U. S. Consul living within the jurisdiction of this Court, and for cause of complaint avows and says - That on or about the 12th day of September 1868, the said E. E. Rice illegally charged and made the Agent J. Mackie or Thos. Blakiston pay, for the steamer "Kanga no Kami" ($4.500) Four thousand five hundred dollars before he the said Defendant would certify to transfer of said Steam ship "Kanga no Kami" at this Port. This is violation of acts of Congress passed July 20th 1840 and August 16th 1842 Paragraph 788 - Consular Regulations and is guilty of malfeasation and corrupt conduct whilst U. S. Consul at this Port, this money not being accounted for in the books in this Consulate. Wherefore in consideration of the foregoing premises Plaintiff prays judgement against the Defendant.

Sworn and subscribed to before me Charles D. Shepard US Consul at Hakodadi Japan this 11th day of AD 1871.

Malversation & Corrupt
Conduct in office
Witnesses,
Blakiston Mann & Co
Thos Walsh of Walsh Hall
& Co
J. Mackey
Church of Walsh Hall & Co
Consul Dunn
B. F. Littlefield

Copy.

Hakodate 7 September 1868.

I. B. Mackie Esq
Agents for the Owners
Steamer "Kanga no Kami"
Hakodate,

Dear Sir.

Enclosed I beg to hand you my bill against the Steamer "Kanga no Kami" amounting to Rios 1804.50 for which I beg you will have the kindness, pay the same to bearer.

I remain Dear Sir,
Yours faithfully
signed-
John H. Dunn.

Mackenzie & Company

Enclosure No. 1
With Despatch No. 146
of 1871.

Copy. 9

Hakodadi 9. September 1868.

Sir,

I beg to hand you two enclosures one copy of a letter addressed to Mr Mackie and the other a bill of charges against the steamer "Kanga no Kami"

You will perceive that I have written to the above mention Gentleman for payment, but up to the most I have not received any answer.

I therefore request you will be good enough to collect the same before allowing the steamer "Kanga no Kami" to leave this port and or allowing her to be sold to any parties in this town.

I have the honor to be

Sir

Your Obd't Sert.

John W. Dunn

E. E. Rice Esq
H. I. C. Consul
Hakodadi—

Enclosure No 8.

With Despatch No 176.

Copy.

10

Memo. at the request of Col A. C. Dunn U.S. Consul

S. S. "Kanga no Kami" sold to Japanese and transfered on 12 Sep 1868.

Price Rios 67.500 Equivalent to $90.000.

Paid Col. E. E. Rice U.S. Consul Yokohama order of Mr I. Mackie on that date

Boos 13.500 equivalent to $ 4.500.

B.M.&Co

Hakodadi

29 April 1871

In the United States Consular Court for Hakodadi Japan
Charles D. Shepard Consul
A. C. Dunn U. S. Consul Plaintiff
vs
E. E. Rice late U. S. Consul Defendant.

A. C. Dunn the above named Plaintiff on oath complains of the above named defendant E. E. Rice late U. S. Consul living within the jurisdiction of this court, and for cause of complaint avows and says. That the defendant E. E. Rice whilst U. S. Consul did during August 1869, take possession of a Brittish bark called the "Cayalti" at this Port, taking from said Bark Eighteen hundred Peruvian dollars not accounted for to U. S. Government or in the books of the U S Consulate Hakodadi. The said E. E. Rice did further demand and receive from Japanese Custom House Officials at this Port, Gold, Silver & Copper Coins said to be on or about 1447 pieces. The Gold and Silver Coins value $1792.90 the copper coins value unknown taken from Chinamen crew in said Barks "Cayalti" not accounted for to U. S. Government, or in the book of U. S. Consulate "Hakodadi". That the said E. E. Rice did further rent said Bark "Cayalti" to a Capt. J. M. Batcheleder a citizen of the U. States, as a store ship at this Port, on or about September 9th 1869, at or about the rate of five dollars per day, said Bark at the date of this complaint still rented and in possession of J. M. Batcheleder no rents accounted for to U. S. Government or in the books of U. States Consulate Hakodadi. This renting and hoarding of said Bark "Cayalti" by E. E. Rice done without right or authority and in positive disobedience of instructions received from Department of State U. States, and the U States Minister in Japan, on or about the 20th of November 1869 as follows, informing said E. E. Rice that said Bark "Cayalti" was not in a position to invoke the aid of the Government of any of its Agents. The said E. E. Rice did further,

carry off

Stores such as Flour bagging &c during possession
of said Bark "Cayalti" not accounted for in the Boo
of N States Consulate. The said E. E. Rice still claim
said Bark from the Japanese Authorities, repeatedly vi
the authorities and endeavoring to have them rele
all claims against said Bark claiming this vess
as U. S. Government property. This done after sai
E. E. Rice had received pivate instructions from
Minister C. E. DeLong Nov 20th 1869, that the ship "Ca
cried claim no protection from the Government or any
Agents. The said E. E. Rice did further offer said
"Cayalti" privately for sale to a Capt. Daniel Scott la
this Port on or about 23d May 1870 for the sum of ($5.
Five thousand dollars. He the said E. E. Rice bef
leaving this port, again further offered said Bark
privately for sale to a Capt. A. P. Porter a Merchant at
port on or about September 1870 for the sum of ($200
thousand dollars, and Further the said E. E. Rice
mentioned to me, in turning over the U. States Co
to my care about said Bark "Cayalti", I finding it
only by my own exertions - therefore in consideri
of the foregoing premises Plaintiff prays judgem
against the Defendent.

The within sworn and subscribed to befo
Charles D. Shepard US Consul at Hakodad
this the day of AD 1871.

Case No 6.
Witness
mit welcomes in the matter
of the Bark "Cayalti"
Allcock & Hakodadi
Sp. Austin - " - -
Blakiston Allen & Co
Thompson Rennick & Co
Capt. Alex. D. Porter
British Consulate
B. D. Littlefield

Copy

To John H. Denes Esqire
H. I. M's French Consul
H. Denies M's Consul
Imis Consul

The undersigned begs to inform you that the
anese Government Custom House has received the Bark
idenciia" from a English Merchant Mr George Berwick
took by request the charge of the Bark "Boridence" with
niese men on board but not the master, which entered
to this port of Hakodate yesterday evening hoisting
colour of no Treaty powers. Thus the Custom House
auts to inquire into the matter and will keep the
ove vessel until the matter is clearly found out.
ut so soon as the nationality and the owner are
und out, she shall be returned back to the Consul
which she belongs

Stated with respect and Consideration
Shiwai Yoshinoskey
Customs Authority

3d of 8th month
Reign 4th year.

No 146 of 1871

Copy Letter of Governor

Copy.

13

John H. Dues Esquire
H. B. M's Acting Consul
H. B. M's Acting Consular Agent for France
Acting Consular Agent for Swiss Confederation.

The undersigned begs hereby to state that it has been informed you a few days ago, that on the examination of the vessel "Providence" it is shown that she has no Captain or Master on board and is unknown of the nationality and others, thus the Japanese Government keep the said vessel, and hoist the Japanese colour until the matter is found clearly.

Further the undersigned wishes to examine justly according to the Japanese law consequently the undersigned request you will be kind enough to be present at the inquiring on board the vessel tomorrow (7th) 9 o'clock AM.

During the inquiring you will be pleased to inform to your peoples, that no body will go on board without permission; but if necessary they will report it to the Custom House, for it is very anxious that any trouble should come from not understanding of language.

With Respect & Consideration —

Ono Junske Kuibanshi
Charge of Foreign Affair.

the 6th of 7th month
Keiow 4th year
(Tab.)

Enclosure No 12
with Despatch
No 146 of 1871

Letter of the Governor.

Copy.

U. S. Consulate
Hakodate Nov 9/68

To the
Japanese Authority.

I have to inform you that I have with assistance of Capt. English of the american "Man of War" "Iroquois" ascertained beyond a doubt that the bark which was brought into this port last August by forty one (41) chinamen is American property.

We have found on board said bark the ships papers made out in due form as the American Bark "Bayalti" and signed and sealed by the U. S. Consul at Callao Peru, Accordingly I have taken possession of said bark "Bayalti" and until the chinamen and bark can be disposed of in a proper manner I have to request your assistance as provided by Treaty.

With respect & Consideration

E. E. Rice
Consul

(Signed Seal)

Enclosure No 13
with despatch
No 146 of 1871

Letter of 26 Dec to
Japanese Government informing
him that he had taken
possession of the "Cayalti"

To
John H. Dumo Esquire
H D M's Consul
H D M's Acting Consular Agent for French and
Acting Consular Agent for Swish Confederation,

I have the honour to address you to inform you the Chrisimen on board the Bark "Loyalte" lately examined by us at your presence, at this time have been examined again by the Captain of American Man of War being at anchorage in this Port, and the American Consul has forwarded testimony in the case of the Barque, the Consul stating that as the ships papers have been found on board the Barque she is of American property. Accordingly I being moved by an accompanying paper forwarded from the Consul an intention to comply to his desire.

With respect & Consideration
Hasebe Takdji
Shidje in rank and
Charge of Foreign affairs

Kii ohs 4th year
27th of 9th month.

Enclosure No 14
with despatch
No 146 - of 1871.

Letter of Jap. Envoy
to British Consul about
Barque "Cazatte"

Copy 16

To
John R. Dunn Esquire
H. I. M's Vice Consul
Acting Consular Agent of Swiss Confederation
H. D. M's Consul,

Herewith the undersigned begs to address you in reference to the Chinese come up to Hakodadi by the vessel which arrived into this port in a state of distress, as he wishes to examine them tomorrow the 12th at Hongin, he requests you present tomorrow at 10 o'clock.

With respect & Consideration
Ono djunneke
Gonhanigi in Charge of
Foreign Affairs

the 11th of 7th month
in the 4th year of Keiow

Enclosure No 15
With despatch No 146
of 1871.

Letter of Governor

To
A. C. Dunn Esqure
U.S. Consul,

I have the honor to acknowledge the receipt of your letter asking about the case the arrival of the vessel "Cayolti" in this port of Hakodadi now beg to answer mainly to your questions, as follows,

At the 7th month of 1st year of Meidze or 68, on entrance of the said vessel in this port, hoisting an American flag, the authority at that time went on board to ask a reason of her arrival here, but there was found no American people but that of non Treaty Chinese men. Having a suspicion of their arrival here, they all were taken on shore in order to examine them, and their property, while their monies so much as mentioned on this accompanying paper were kept in the Custom House and the "Cayolti" also, after consultation with all Consuls here; the Custom House taking care of the "Cayolti" and all Chinamen being kept in the Red House called Kiusokdjio (the fact of examination of the Chinese men is not stated here)

Then according to the request of your late Consul E. C. Rice all monies taken from the Chinese and kept in the Custom House were delivered to him receiving the receipt from him. As the Tokugawa exiles attacked here at the 10th month of the same year all authorities were urged to go away towards Awamoosie by the calamity happened here, here is nobody now who knows how this case passed over from that time till repossession of this Port next year or 1869.

On repossession the Chinese men were provided with foods and others again in like manner as before, in mean while E. C. Rice claimed to send them all to their own country, and we not having an objection therefore gave over to him them according to his desire at the

9th month of the same year.

Total sum of more than 935 bus foods and all other several expenses concerned thereto, during their stay here, was received by at the 10th month of last year.

With respect & consideration
(signed) Sugmira Makato
Gon-han-kwan

the 26th of 2d month
in 4th year of Meidji

Enclosure No 46
with despatch No 1, 46
of 1871

Copy.

To

E. E. Rice Esq

N.S. Consul

Sir,

The undersigned begs to address you that we have been connected with you a some yrs ago relative to furnishing food to the China men of 7 in number who came into this port during the 7th month at year before by the adrifting vessel call the "Loyalty" and keeping them in here from that time to 9th month at last year of which we herewith send you an accompanying account to shew that all expenses for them to furnishing food to the above numbered chinamen, that the case of which has been settled a long ago therefore we must to pay to the our people.

We beg you will please to inform us that your answer relative to it as early as your convenience.

With respect & Consideration

Uwamura Hanbeiwan

Sz-ge Hong Gw do

(signed)

14th of 8th month.

Enclosure No 1
Despatch 146
1871.

Copy.

19

Yedo Sept. 22d 1870.

Col E. E. Rice
U.S. Consul Hakodadi

Sir,

The money due me from Bark Coyalti for
ansporting Thirty-nine Piratical passengers to
anghai from said Coyalti by the steamer Hong Gue
the request of Gov. Karibe and as agreed by said
ribeh and yourself was twenty dollars per head
d one dollar a day for keeping charge of said
yalti until sold, then agreed by Governor Karibe to
ve the Coyalti disposed of and my money paid
thin six months, but on removal of Gov. Karibe
r action would be taken by the Japanese officials
they demanding their money instead of paying
ine — Now to prevent any more delay in this
atter I will advance the money to pay the claim
the Japanese Government against the Coyalti
r feeding the Piratical Passengers now Nine hundred
leven Rios — 911 — adding the same to mine of
leven hundred & forty five dollars, then making
my claim as follows 39 Passengers 780.

One years Keeper 365

1145.

Rios 911.

$2.056.

rovided you will endorse over to me the Draft you
oed on Oreintal Bank of Twelve hundred & fifty seven
$1257. belonging to "Coyalti" derived from coins found on
oyalti & Passengers which will leave a balance due
me of Seven hundred & ninety nine (799) dollars.
provided you will give me a certified copy of the
amount due me and take such action in the
United States Consulate as will bring the matter
before our Minister for his action in the matter.

Trusting that some action will be taken
the matter as the old Hulk is fast going to
& liable to spring a leak in any gale.

In case of settlement with the
ese officials Capt Preble will hand you the three hu
& eleven Rio and in my arrival north you can
me a certified letter as above.

Faithfully Yours,
Jno Batcheldor

Copy.

Statement of Fk. Miller as regards the
arrival of Capt. Batcheleder taking the Bark
Kelly as a store ship.

Sep 9th 1869 arrived at Hakodata from
Yokohama in the Stmr Hong Kong.
Capt Batcheleder came in the Hong Kong Sep 11. 1869.
sent some goods and tools on board the Bk Kelly
to be stored there on account of Capt Batcheleder

Fredk Miller

B. F. Littlefield
Constable

Copy.

Legation of the United States
Peking April 26th 1870.

Sir,

On my arrival at Peking I found your No 4 under date of 17th Jany last, with enclosures.

In reply I have to say that, I have examined the papers carefully, and have arrived at the conclusion that the decision of the Department of State embodied in the despatch to the Consul General at Shanghai under date of March 8th 1869 estops any diplomatic or other officers of the United States from making any claim or demand upon the Chinese Government for the passage from, or subsistence while in Japan, of the Chinese found aboard the ship Cayalti.

I am Sir
Your obedient Servt.
Frederick F. Low.

Enclosure No 2 to
Despatch 146
1871.

Copy. Hakodadi Feb 9. 1871. 22

Col Dunn

Sir,

The day after hoisting the back Cayalti into harbor owing to Mr Rice's interference we delivered vessel over to the Japanese Authorities with the consent our Consul R. Eusden Esq. — As soon as the sel was turned over the Chinese were sent on shore d placed in close confinement and a rough ich was made for papers and money (of which re was supposed to be any amount of the latter on board) hat money was found was handed over to the panese.

A few days after turning the ssel over we with the assistance of some coolies ubent, dried and stowed in the hoed all the sails d running gear belonging to the vessel. e vessel was left in charge of two officers and len the Japanese flag, until taken charge of by Mr Rice and an American Gun boat when the apanese flag was hauled down and the American lag hoisted but no one left in charge until the essel was rented by Mr Rice to Capt. Batcheelder s a store ship.

We give you a list of sails put below to the est of our knowledg.

1 Spanker - 4 Staysails 1 Gt - 2 Topsails - 1 Main sail
1 Foresail - also 1 large hawser & 1 large rope.

We beg to remain
Your humble servants
Thompson & Berwick
Hakodate

To Col Dunn
U.S. Consul
Hakodate

Enclosure No. 2
Despatch 146
1871.

Copy. 23

Rough Inventory of cargo on board the Barque Loyalty when delivered to the Japanese Government at Hakodate by Mr Geo. Bewick

1st A quantity of one inch hooping iron and boxes of rivets.

2d 3 large cauldrons or try pots

3d A quantity of Bales of bagging for making sugar bags.

4th Two bags of Coffee in good condition

5th A number of bags of flour " "

6th A quantity of fire wood of little or no import.

the above inventory taken on the day of delivery, By me in company with Mr Laurance H.B.M's Constable.

Jas. R. Thompson

Jno Thompson & Bewick
Hakodate
Japan.

Enclosure No 2 in
Despatch 146
1871.

Copy.

United States Consulate
Hakodadi October 30. 1870

James M. Batcheleder Esq
Yedo

Sir,

Your letter dated September 22d last
me duly to hand, and as your request or proposition
my mind is just, I have this day received from
t. Preble Nine hundred and eleven yen and
id the full claim of the Japanese Government
per bill and receipt enclosed. Upon your arrival
re, I will endorse the certificate of deposit (#1257.)
ex) Twelve hundred and fifty-seven Mexican —
llars, it being the net proceeds in dollars
various coins taken from the said piratical
inese passengers on arrival at this port, and
aving a balance due you of Seven hundred and
ety-nine (#799.) dollars, which with any additional
pense that may arise must come from the amount
ved from the sale of the ships.

I will lay this matter before the Minis
for his advice and direction.

Respectfully Yours
E. E. Lee
Consul.

Enclosure No 23

Despatch 146

1871.

Copy.

To furnishing food to the Emmanuel passengers per Cayalti

Rio 935 Booo 3 Cash 204.2

from Mr Rice 25

910 " 3. . 204.2

Balance due no

October 30th 1870

Received the above

Government of Yezzo

L S

Enclosure No 24

Despatch 146

1871.

Copy.

Hakodadi Nov 20th 35

A.C. Dunn Esq
U.S. Consul Hakodadi

Sir,

I have a claim against the drifting vessel called Coyalti for a balance due me of seven hundred ninety nine dollars $799. which I am desirous of settling at an early date & if you will examine the annexed documents from the officers heretofore in charge you will see the Japanese preferred to have their money for expenses incurred by them rather than to have any thing to do with the selling of the Coyalti as promised me by the former Governor Hashibe when I consented to transport the Piratical passengers to China & thereby stop the expence of feeding them by the Japanese Government. At the solicitation of the former Consul here I advanced the money to pay the Government — my balance is justly due me & if you will forward a copy of this with enclosed documents to our Minister & his instructions in regard to the same I shall feel greatly obliged.

Most respectfully Yours
J.M. Batcheldor

Enclosure No 25
Despatch 146
1871.

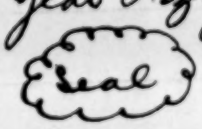
Copy.

9th of 7th month Tenzi - August 20th 1868
Gold. Silver and Copper coins taken out from
35 Chinamen whom came by on board of the
Bark Coyalta

19th of 9th month Tenzi - November 3rd 1868.
The following amount has been delivered
to the U.S. Consul E.E. Rice Esq and E. English Esq
Commander of the U.S.N. Commanding U.S.S. Iroquois.

1 Piece of Gold Coin @	$50. piece	50.00	
57 " " " "	20 -	1140.00	
10 " " " "	10 -	100.00	
6 " " " "	5 -	30.00	
4 " " " "	1 -	4.00	1324.00
202 pieces of Silver Coin @	$ 1 piece	202.00	
150 " " "	50c -	75.00	
48 " " "	25c -	12.00	
85 " " "	20c -	170.00	
97 " " "	10c -	9.70	
21 " " "	copper coins value	- - "	468.90
pieces of gold, silver and copper coins		Mex. $	1792.90

9th of 3d month
Meiji 4th year Tenzi



The Officer of
Foreign Department
Hakodate Japan

To A.C. Dunn Esq
U.S. Consul

Sir,

We have the honor to reply your despatch
yesterday's date regarding the gold silver and
copper coins amounting to 1447 pieces which taken
out from the Chinamen whom came by on board of
the

Bark Coyalti. We herewith send you the
accompanying account which shows the
value of the different coins as above stated
With respect & consideration
The office of
Foreign Department
Hakodadi
9th of 3d month
4th year of Meiji Seigi

Enclosure No 26
Despatch 146
1871.

Copy.

Legation of the United States in Japan
Yokohama November 20. 1869

Sir,

In reply to your letter of yesterday and in compliance with instructions from the Department of State dated the 26th August last, desiring me to communicate to you the views of the Department in the case of the bark Coyalti at Hakodate I have now to inform you "that it does not appear by any sufficient evidence that the Coyalti was an American vessel, and that if she was a vessel of the United States and if her owner was a citizen of the United States it is pretty clear from the evidence that both he and his vessel were engaged in violating the provisions of the act for prohibiting the Coolie trade passed February 19. 1862" — and that "he is not in a position to invoke the aid of the Government or any of its Agents."

I am Sir
Your Obdt. Servt.
C.E. DeLong
Minister Resident in Japan.

Enclosure No 27
Despatch 146
1891.

Copy.

"Cayalti"

The cargo consisted of time of delivery to Japanese -

A quantity of one inch hooping iron
3 Cauldrons or tin pots
A number of bags of flour
2 of Coffee
and a large quantity of bagging

Thompson Bowers & Co

April 25. 1871.

B.F. Littlefield
Constable

Enclosure No 28
Despatch 146
1871.

Copy.

the U. S. Consular Court for Hakodadi Japan

A. C. Dunn Consul

Benjamin F. Littlefield Plaintiff

E. E. Rice late U. S. Consul Defendant

Benjamin F. Littlefield the above named Plaintiff
th the complains of the above named defendant E. E. Rice an
rican citizen being within the jurisdiction of this court, and
ure of Complaint avers and says — That late US Consul
Rice ordered me the Plaintiff to find board and lodging
"Lawton Packet" sailors and another lot of destitute seamen.
arrived here in a Whaleboat in the year 1867, and to note
venty five dollars held by Plaintiff against E. E. Rice with a
of sundries as per account, making in all with Interest
% to April 1st 1871 the amount of $916.89 — I made every
ntion time and again to collect said amounts but
fendant would not pay me, but told me that he had sent
accounts for board & lodging to sailors to the U. S. Government
payment, but about three months after my application
en the accounts were sent to the U.S. Government the defendant
d me that the Government had refused payment of my
count and the sailors for whom I had found board and
dging were not American subject. The amount of $25.
ined for was for money lent by me to defendant but
refused payment. - The supplies for Barque
rmithian were ordered to be sent by defendant
ho received American half dollars from the Captain
Lewis) to be changed into Japanese currency wherewith
meet ships expences. The repairs to roof consisted
n making it water tight & weather proof and I was
structed by defendant to have it done and he
romised to pay me on its completion. Wherefore
n consideration of the foregoing premises, Plaintiff
ays judgement against this Defendant as follows

to wit, that I be paid the amount of my la
standing account forthwith.

B. F. Littlefield

Sworn and subscribed to
before me A. C. Driver US Consul
at Hakodadi Japan this the
Twenty seventh day of April 1871.

US C
Seal

A. C. Driver
US Consul

Enclosure No 29
Despatch 146
1871.

Copy.

Statement of Interest due on sundry accounts annexed

00	from 1st August 1864 to 1st April 1871	6 yrs. 8 mos. @ 6% per an.		10.00
9.00	" 16th April 1867 to 1st April 1871	4 yrs. ½ mo. " " "		132.26
.59	" 30th April 1867 to 1st April 1871	3 yrs. 11 mos. " " "		9.50
.34	" 15th Octr. 1867 to 1st April 1871	3 yrs. 5½ mos. " " "		11.68
.35	" 30th April 1868 to 1st April 1871	2 yrs. 11 mos. " " "		12.27
				$ 175.71

.18
.71 add Interest as per statement above
.89 Total amount of a/c with Interest

Hakodadi April 1. 1871.

A. C. Dunn Esq
U. S. Consul

Sir,

I beg to inclose to you accounts asking their collection accounts have been standing along time and Mr Rice ys put me off when I presented them, he being US Consul ed not collect them, or he would not pay them. so now ing of his property about to be sold by his son, I earnestly eal to you to not allow his property to be sold until I am id my just earnings with interest.

I am Sir
Your obedient Servant,
B. F. Littlefield

Due Frank Littlefield twenty three dollars on demand
$23. Aug 1/64. E. E. Rice

add two doll's to above
$2. E. E. R.

Hakodadi April 16th 1867

E. E. Rice Esq late US Consul
Dr To Benjamin T. Littlefield

1867
Aug 1 Cash sent to E. E. Rice Esq

Hakodadi Japan 16th April 1867

E. E. Rice Esq late U.S. Consul
Dr To Benjamin Littlefield

1867 To boarding Canton Pocket Sailors by order
E. E. Rice Esq late U.S. Consul as under

April 16 -	M. Jones	31 days board @ $1 per day	
	M. Keegan	49 " " " " "	
	G. W. Lyons	49 " " " " "	
	Joseph Carter	28 " " " " "	
	William Adams	49 " " " " "	
	M. Merrill	63 " " " " "	
	M. McClellan	63 " " " " "	
	Antone	28 " " " " "	$28
	Bill (a Sailor)	43 " " " " "	April
	Cabin boy	43 " " " " "	
	One Sailor	33 " " " " "	
			$ 54

Hakodadi Japan 16th April 1867

E. E. Rice Esq - late U.S. Consul
Dr To Benjamin T. Littlefield

1867
April 16. Jail fees order by E. E. Rice Esq
Arresting Sailors
Grave boards
Iron Leds for Sailors
45 lbs Beef
Clothing for Adams

$ 46

Hakodadi Japan April 16th 1871.

E. E. Rice Esq late U.S. Consul

Dr To Benjamin T. Littlefield

To boarding destitute Sailors arriving in Hakodadi in a Whale boat by order of E. E. Rice Esq as under—

Charles Raymond	5 days board @ $1.00 per diem		5.
James Culley	25	— —	25.
William Foat	22	— —	22.
William Brimer	34	— —	34.
James McGlenchy	35	— —	35.
			121.00
By Cash on a/c recd from E. E. Rice Esq			64.66
		Balance $	56.34

Hakodadi Japan 16th April 1871.

E. E. Rice Esq late U.S. Consul

Dr To Benjamin T. Littlefield

April 30th To a/c against Bark "Corinthian"

for Supplies	42.
4 Flannel Shirts as per order of E. E. Rice Esq	
purchased from Capt. Jordan	14.
Repairing roof order E. E. Rice Esq	14.25
	$ 70.25

June 1st $14 Mex. and 152 Boos

E. E. R.

Copy.

1.

Department of State
Washington Oct 31. 1867

E. E. Rice Esq
U.S. Consul
Hakodadi

Sir,

Referring to your despatch No 5 heretofore acknowledged, and in which you advise the Department that you have drawn upon it two drafts one for one thousand dollars and one for eight hundred dollars to pay expenses incurred on account of the crew of the barque "Canton Packet" lately wrecked off the coast of Japan, I have now to advise you that the draft for one thousand dollars was presented a few days ago but not paid. It was drawn in such a way that payment was demanded in Mexican dollars. The Department offered to pay it in gold coin of the United States but the holders refused to receive it. It is therefore feared that the draft may be returned to you. The draft for eight hundred dollars has been received and will be paid. Drafts should not be made upon the Government payable in Mexican or any other foreign currency.

I am Sir
Your Obdt Servt,
F. W. Seward
Asst. Secretary.

Enclosure No 31
Despatch 146
1871.

Col 7.

62

Department of State
Washington November 1867

E. E. Rice Esq
U. S. Consul
Hakodadi

Sir,

I regret to be obliged to inform you that
ur draft for $405. dated July 1st 1867 has not been
id because it was improperly drawn.
You are not entitled to draw upon the Department
office rent. You have entirely misconstrued the
et of July 25th 1866 and circular No 62 issued by
is Department, neither of which authorize feed
onsuls to draw for office rent.

An allowance for that purpose can
ly be made out of the fees received by such
onsuls. A copy of circular 63 is inclosed
o you for your information -

I am Sir
Your obdt Servt
F. W. Seward
Asst. Secretary

Copy.

the United States Consular Court for Hakodadi Japan
Charles O. Shepard Consul

A. C. Dunn U.S. Consul Plaintiff

vs.

E. E. Rice late US Consul at this port Defendant

A. C. Dunn the above named Plaintiff on
oath complains of the above named defendant E. E. Rice
ing within the juridiction of this Court and for cause
complaint avers and says. That said E. E. Rice defend
ut violated an act approved March 3. 1835 Statutes
Large Vol 4 Page 773 - In certifying falsely or illegally
certificates of transfers of property in the matter of
A. Fletcher - Wilkie and Gaetner at this port in
igning officially his name as U.S. Consul on May 27th
12, again in May 29th 1862, again in November 21st 1864
nd in October 13th 1863, as U. S. Consul &c &c when he was only
Commercial Agent at the time. Thereby causing his
ets of the falsity or illegality of said certificates of transfers
be questioned by the Executors under the Will of the
ate Frederick Wilkie at this port. Thereby causing
itigation in the matter and endangering the legality
said transfers of said property.

Wherefore in consideration of the foregoing
remises Plaintiff prays judgement against
the Defendant.

Sworn and subscribed to
before me Charles O. Shepard US. Consul Hakodadi
Japan this 4th day of AD 1871

Copy.

North German Consulate Japan

Hakodadi April the 20th 1871.

At the request of the United States Consul A.C. Dunn Esq of this port, I beg to state with regard to my title deeds and property of the so called "Jonnice house" that the same was transfered to me before the Russian Acting Consul M. Trachtenberg at the time and that by the special request of the late Mr Wilkie being a United States Citizen, the executors of the estate of the late Mr Wilkie expressing such transfer to be legal, I therefore beg to draw your attention, that the former transfer in the United States Consulate would not be legal considering that the United States Consul E.E. Rice Esq at the time signed himself as United States Consul, when I am informed by the present United States Consul A.C. Dunn Esq, that he has only been Commercial Agent at the time.

The document shows -

November 21. 1864 signed as United S. Consul
October 13. 1863 " " " " etc etc
May 29. 1862 " " US Consul
" 27. 1862 " "

At the same time I beg to protect against any steps to be taken by the executors on account of Mr E.E. Rice signing his name illegally as US. Consul when only a Commercial Agent.

(Seal)

C. Gaertner
Consul for the North German Confederation

The Consul for the North German Confederation C. Gaertner Esq appeared before me this 20th day of April A.D. and made oath to the above statements.

No 13 April 1871
No 3.

(Seal)

A. Olarovsky
H.I. Russian Vice Consul

Sworn to before me this 26th day of April 1871

(Seal)

A. Dunn
US Consul

The name of Mutti German Confederations
is C. Gaertner by not A. Gaertner A. Olarova

Copy

Department of State
Washington October 31. 1867.

Hon Edw
U.S. Consul
Hakodadi

Referring to your dispatch No 5. herein acknowledged which you advise the Dept that you have drawn sundry drafts one for one thousand dollars and four eight hundred dollars to pay officers & crew of the barque Caroline Rebel lately lost off the coast of Japan I have now to advise you that the draft for one thousand dollars, was duly presented a few days ago but not paid. It was drawn in such a way that payment was demanded in Mexican dollars The Dept. offered to pay it in the Coin of the United States but the holders refused to receive it. It is thought probable that the draft will be returned to you. The draft for $800. has been accepted and will be paid.

Drafts should not be made upon the Government payable in Mexican or any other foreign currency.

I am Sir
Your obt Servt
Signed W. H. Seward
Asst Secy

Filed Sept. 11. 1871

(25) Al Darling

E Bartlett

Copy

F. B. Littlefield Resident of Hakodadi of lawful [age]
[being duly sworn] depose & say that on or about the 3rd day of
[Ma]y last A C Dunn then U.S. Consul after having
[a co]nversation with Capt Blakiston said to me, Why
[did] you not tell me that there was a large
[q]uantity of wrecked material boats etc belonging to
[the] Caulin Packet at Namburo. I told him Capt
[B]lakiston had authority to collect and settle the
[w]hole affair. that neither he nor I could interfere
[w]ith him, at which Dunn replied, He did not
[ca]re for any one. that if I would go over and
[g]et and give him one of the boats he would
[m]ake me a present of the remainder. That he
[co]uld and would get an order from the Bugiyo to
[ha]ve it all given over to me.

I told him he had no right to interfere and had no
[mo]re conversation with him on the matter.

(Sig) B. F. Littlefield

Subscribed and sworn to this 20th day of
April before me

(Sig) E. E. Rice
U.S. Consul

[illegible]

Affidavit of Citizenship
ad. to Caution Packet,

July 25. 1871.

Filed Sept. 11. 1871

Copy

...mally appeared before me Nathaniel Rice
...ting as Vice Consul for Hakodadi Japan B.G.
...Littlefield American and made oath that on or
...bout the 29th day of April 1871. he presented to Acting
...Vice Consul for Hakodadi a demand
...against E.E. Rice who said there was no need for any
...who knew the circumstances as he must collect the
...same from Mr Rice's property. I had Mr Rice's
...note for $25. given in 1864. shortly after which he
...was burnt out and he asked Mr Rice to pay it. but
...he had never presented it since. He told Mr Dunn
...I thought there was some money due him in Japan
...but Mr Rice & Mr Dunn told him he must have a full
...& true account made out & he must
...take it to for him quickly Mr Rice has always treated
...me kindly, and whenever he asked him for acquaintance
...anything he always got it. I cannot state exactly
...what Mr Rice owes me. I account principally, and
...annual payments I may for supplying provisions &
...stores under my care but that suit my books will
...show.

Signed B. F. Littlefield

Signed and sworn before me this eleventh day of July
A.D. 1871.

(Signed) Nathaniel Rice
Acting V. Consul

LS

B. F. Littlefield
Affidavit. about
broadcast with Medicine

Filed Sept 11. 1877

Copy

I Franklin B Littlefield resident of Hakodadi do
testify that during the month of April I was acting
as Constable for the Dunn Ker Consul, that on
the 11th of April a summons was placed in my
hands to serve upon Mr Nathaniel Rice of Hakodadi
which summons was not served by reading or by copy
but that I was ordered by said Dunn not to serve
said summons with said Rice but to read the same
to him and that plaintiff's Attorney done so. I was
on the 14th April handed a warrant by said Dunn
to arrest said Rice for contempt by not obeying said
summons.

Hakodadi Japan
July 11. 1871. (Sig) B. F. Littlefield

Signed & sworn to before me this eleventh day
of July A.D. 1871.

(Sig) Nathaniel Rice
Act. U.S. Consul

B. H. Littlefield
Affidavit of service
summons vs. W. S. Rich

Taken July 11, 1871

Filed Sept 11, 1871

Copy

January 1891.

Asst Supt and Chap'n Grounds affairs Hakodate

The undersigned has the honor to request earnestly you will be so kind as to take a step for winning of the building Mr. Captain Colonel E E Lee on the ground belonging to the temple. Dyo'ingyi and thus the undersigned begs to explain as follows,

On the 8th of the 4th mo. in the year of Ansei (1857) when the former Consul Mr. Harris arrived at Hakodate, the undersigned has received an application from him that Mr Lee required the preaching house of temple to have ordered. while the undersigned had objections thereto. After several applications the undersigned was compelled by urgent request of Mr Lee, leave the said house to him about as long as 40 days during which his new building should have been erected or any other place. After further opening the point. because the undersigned was to offer a most ~~good~~ great distress thereto, he complained greatly to Mr Lee by interference of the Japanese authorities house but he has nothing ~~to~~ remedy not only but as he freely appropriated one (state) ground of feet in front and 52 feet in depth (this amount to one thousand 5 hundred tsubo a Japanese measure of ground) exchanging this ground with wood fence on the 15th of 2nd mo in 1st year of Ansei 1860. With consent of the Japanese Custom House, Called Kaitakushi became the undersigned from the above suffering. Mr Lee did not comply opening his upright opinion On the 10th mo. of the same year, the several claims he paid 50 ryo as the rent of the above said house and its ground for 10 months that is 5 ryos per mo. but there was found no result in

in returning the house and grounds and afterwards became unable to pay 50 cents per year as rent.

On claim by the interference of the officers of the Custom House that Mr Rice required to build one storey [illegible] on the said house, and employ it until his own house building should have finished on the 8th inst. in 3rd year of Bonyan. 1863. electing a ground thereon in the street of Kwai-so-matchi in 1862, has refused because since being occupied on the simple ground by Mr Rice the undersigned had received much trouble and distress by his so many objections to the divine but he was compelled to accept his request. by the earnest admonish the officers

Afterwards Mr Rice made up the story and his own building around the said house which then was destroyed spontaneously at all the undersigned for what reason he made such a terrible complaint quickly then comments in writing to the government here and however the officers refused to Mr Rice to remove his own buildings he was nothing in answer.

In the 2nd year of Bunkio, 1865. a spot now occupied by the stable on the back of the above said ground wanted Mr Rice to build a hut for keeping fuel and wood until he should have removed from the simple ground in next year. but the undersigned having suffered much trouble for bad conduct of Mr Rice was in prompt to refuse his request while the undersigned was urged by the above of the officers to leave him the spot for a time. in which he should build his own house on another ground. On account of leaving it for him [illegible], for a time the undersigned did not want to have its rent. contrary to this promise he is now making up it without paying the rent.

Thirteen

...uther, the mediumship has complained for
...t a spot east of the temple where in the
...year of Ansei 5 1858. Japanese religion the
...ist of Buddha Hachiman called Sakuraiamy
...built a stone house with permission the land
...the same spot to Mr Rein and then in the
...ing of the first year of Meiji 1868 he built
...house six feet in front & 36 feet in depth.
...agreement began limit of the said spot. In
...his case, the mediumship refused to Mr Rein in
...usual ways but in vain, nothing was taken
...remark. In first year of Meiji 1869.
...here a chief of Tokugawa exiles called Hajime
...ukuba remained here the mediumship was requested
...gently by him to give up rent the whole above
...mounds for 15 years, still mine according to the
...gent of Mr Rein and thus the mediumship is
...liged to make a contract with Mr Rein as
...accompanying paper. In such as above stated
...the mediumship has troubles & distress for the said
...mounds and house and still now he being
...ertains what accidental event should happen
...here he has a liberty to request earnestly you will be
...kind enough to have a management for removing
...the house from the temple ground for Mr Rein
...being taken away of the preaching house and for
...agreement of the ground rent.

With respect & consideration
The Priest of temple Ojoujiu

Petition for Grants
about lands reserved
C. C. Rio

Copy

6.

A.C. Dunn Esqr
U.S. Consul

Sir

I beg to address you with accompanying Statement in Result of Inquiry that I have enquired the whole matter they were very much anxious about, therefore I herewith beg to request you your judgement after your good satisfaction on the said statement.

With respect & consideration
Your Humble & Obedient Servant.

Mr Yoshio. (Interpreter)
Meiji 2nd year

Letter from Grimes
with Pauls Petition

Copy

of a Despatch from H.B.M. Consul

I beg to acknowledge the receipt of your letter
No 49 dated Dec 10. against your questions are
answered as follows;

The grounds which H.B.M late Consul E.C. Rice
claimed in this port, during his service are three
in number. 1. The ground on which now H.
M's Legation but the former Japanese Govt to the late Consul
but the title deed was lost by the calamity happened
this Port 1868. 2. The empty ground next to that
above mentioned but the Yokohama office wished to
have, but it is important to let go as now
Thus the ground if you be wishing to obtain it
once your consulate will be given you with a
title deed thereof. 3. The building which you
now see, and the ground around formerly from the
west of the temple Jorgenji and then the Govt lent
it to E.C. Rice afterwards he himself made some
repair to the building and extended more the ground
and the board fence (fixed number of tsubos
square measure of the ground.) limits before as
which the Priest complained frequently trouble much
to them and after the term of the title deed E.C. Rice
gave to the Yokohama office other title deed for 15 years.
commencing from 1868 again. but what was made by
Yokohama is now unuseful, consequently it is determined
by you whether you take it or not if you want to take
it, the title deed must be by some corrected at interview
with you.

4. In respect to the lot of the location
of the sheet of Imachi lent to E.E. Rice he says the
same as the same way as those lent to another
persons.

5. Then of ground the Govt
lent to the late Consul E.E. Rice for use of the Consulate

The above is a complete answer to all your queries
we beg to explain further particulars at interview
with you at your Consulate in a few days when
you will have a convenient time thereto.
Hoping with respect our consideration
Swamura Hankwan
Sigwira Gwa Hankwan

The 26th ppt mo. (Seal)
Copy to be mailed.

The lot to 4 new Locations
Area 40. boos 3. aur cashes 664. from
1st ppt mo. 870. to 30th ppt mo 1870.
1yr rent.
The inland tubs near Dzigwizi
£ 141. 48/100 for 778. from 1862. to 1870. years rent
£ 17. 15/100 per year.
The small inland tubs near Dzigwizi
2 800/100 per year total £15. from 1865. to 1870.
8yrs rent
The shambas near Dzigwizi the rent 50. a yr,
total £100. from 1st 1st mo 1869. to 30 12th mo
2yrs rent

Richard Anne Hankwan

In Duplicate

Copy

Agreement between the Trustees of Imyenzin
ers & E E Rice

It is agreed between E E Rice and the Trustees of Imyenzin Temple to rent the lot of land now occupied by said Rice, for a term of fifteen years. From first January 1869. to be held by the heirs executors or assigns of the said E. E. Rice for fifteen years. and to be extended if required. For the rent of said land, a sum of six (60) Sixty rees per year. payment shall be made until reduced by the Government to a fixed rental. all the buildings thereon being the property of said Rice may be rented or otherwise disposed of as he may see fit.

Mandoota January 1st 1869

(Signed) E. E. Rice

Witness to signature
George E. Rice

The Thoreune. the same in Japanese with the temples great seal connecting the two pages.

Agreement for
Purchase of Stock

Auditor's Office

Copy

43

U.S. Consulate
Hakodadi June 29. 1869.

Sir

During the absence of the Mikado Govt from this Port, a small lot of ground was set apart for the use of the American Consulate by Taiyai Genta. Kenzaburo Saeki as Governor of this Port.

The whole matter of rent &c was referred to the Imperial Government and the American Minister.

The Imperial Govt having declared their Authority over the Rebels and now being firmly established. I respectfully request Your Excellency to grant a proper title to said ground and to establish the yearly rental of the same.

I have expended a large amount of money & labor in leveling and preparing the same building stone walls and other fences also have a garden with many valuable fruit trees most of which will produce fruit this year. When the Japs are returned from Yezo they shall be sent to you for perusal as you have requested.

After so much trouble caused by the Tokugawa Rebels I trust that no future all business will be conducted in the most friendly manner, and that peace shall once again reign in this country.

Respectfully
(Sd) E.E. Dai
U.S. Consul

H.E.
Mitsuaki Enomoto
Governor of Hakodadi.

Letter from E. S. Reid
& the Memorial of Hakodadi.
asking for new title deeds
& Treaty

Copy

51.

U. S. Consulate
Hakodadi July 10. 1869.

48.

Minister Seward
Yokohama

Sir,

The undersigned begs leave to forward herewith Title Deeds to the lots of ground according to plans and specifications, which he wants for his Consulate

Respectfully
C. E. Pruyn
U.S. Consul

Letter from S. C. Rice
to Messrs J. Hallowell
about Consular Grant

Copy

79 U. S. Consulate
Hakodadi July 31. 1869.

H. E.,
Minister Resident
Yokohama

Will you please inform me when you will
me title deeds for my Consulate Ground.
Sanjawa one of your interpreters told me
ne days ago, it was ready for me. I called
the Custom House for it and was told [illegible]
r. Also what is to be done in regard
the Nikkis' complaint.

Respectfully
E. E. Rice
U.S. Consul

Letter from E. E. Lee
to Comm'r of Hakodadi
about Consular Comm'n

Copy.

Japanese. Translation

Receive following amt this rent from
22nd 11th mo. last til 30th 3rd mo. -
Signed Awazeh (L.S.)
$.25 .

Copy of paper attached.

This amt. of $ 8. 25/100 rent paid to Awazeh
Smith's House from October 17. 1860. up to 9th May
61. or Japanese time from 22nd 11th mo. of
Ozear up to 30th 3rd mo. of Inuntzear 1861.
Hakodadi May 9th 1861.
(Signed) W.T. Pitts
Agent

Rec'd from Treat B
Ass't Commissioner

Feb 11, 1871

Copy.

Lease Ali Ibn Awazeh

to

Ali 1. Lessor grants unto lessee house for one year at Imgenja or from Dec. 1st 1880. to Dec. 31st 1880. @ $50.00 per year as per agreement

$ 50.00

Amount Payment in full Octr 17. 1880.

Signed sealed by

Awazeh

Endorsed on back, in Wk. & Pitts' handwriting

" Paid up to 30th Sept. month

" 9th May 1881. "

Filed Sept 11, 1891

Copy

Hakodadi 31st January 1858.

For value received in supplies from the Consul of Hakodadi I promise to pay him on the arrival of the Century, $82.168 cash at current in Mexican Dollars $81.67/100

Signed P. C. Lee
U.S.C.A

L.S.

Deeded from
the U.S. Government
Supreme Government
dated Feb 13. 858,

Filed Sept 11. 1871

Copy.

To His Excellency
The Governor of Hakodaai
Sir,

As fresh, water and other
necessary things have been furnished Ships "Rapid"
and "Adeline" and as they have not the money
to pay, I agree to pay the amount of Four hundred
and ninety five Dollars and fifty two cents ($495.52)
cts to witness when the Ships. I barque
"Rapid" arrives in the summer of 1858, and if
the Ships does not come I will then pay.

(Signed) C. C. Lee
U.S. Commercial Agent

U.S.

Hakodaai 4th February 1858.

Due Bell from dle
C C Rent letter
Summons Habeas Corpus

Filed Sept 11. 1891

Copy.

Office of the United States
Commercial Agency
Hakodadi 18th Sept. 1857.

His Excellency
The Governor of Hakodadi.
Sir,

Having called upon you for the purpose of
shipping a trade quantity certain articles of the
growth of the United States and receiving in exchange
products of Japan. and not being able to
procure of any of your cargo, and having been duly
furnished with printing, needful, to the
amount of Nine hundred and seventy three dollars
and ninety two cents ($ 973.92/100) I proceed to
forward and send this money herein with the addition
of six percent in Mexican dollars. it being
strictly understood that the accidents and
dangers of the sea are to be allowed during the
passage of the year 1858, from June to September
shipments and in case of accidents to me
the bills will be settled by E. E. Rice Esqr. Commercial
Agent for the United States of America

Whereto we affix our names
Signed at Hakodadi "Behring"
(Signed) Geo. J. Perkins

His Commercial Agent
Signed E. E. Rice

Due Bill $ dll
E. E. Rice

Falls Last 11, 1891

Copy.

Statement of C. E. Rice about the sale etc of
the "Kauja no Kami"

The steamer Kauja no Kami arrived at port from
Hakodate July 24. 1888. I was called upon by the
Captain and Agent who stated that the steamer
was for sale, and asked if I would assist them
if they were authorized to dispose of her as soon as
possible. That she cost about twenty seven
thousand dollars, that they could not afford
to pay liberally by way of commissions, and for
my assistance $50/0 would be paid willingly when
effected. The steamer left, and returned Aug. 18th
left again 20th Aug. Again Aug 26, and put back
to September 1st, having picked up a junk and
towed her into port. On her last return Sept 11. she
was sold. Previous to the last date and
from the time she was put into my hands,
I had employed three Brokers, and had been
constantly about it, effecting a sale, and bargain
with the officers of the Prince of Shingawa, for the
same for sum of ($90.000) Ninety Thousand Dollars
during this time the Government here had changed,
the Governor Hachisuka learning of this contemplated
sale of the steamer to Prince of doubtful loyalty
forbade the Prince's Agents to purchase her,
and to make it seem orders the officers of Akita to
purchase her which they did, and on the night
that when she was transferred, all the three
officials ran away with her, and two days
after the Sokuyawa Go to under Envoy to Kamajiro
with permission of Hakodadi, neither Capt Brown
nor the agents at that or any other time objected

to

to pay my commissions but on the contrary,
repeatedly said I had dearly earned them, for
had it not been for the fear that the steamer
must become the property of the Owners of Chusan
there are enemy. Akita would not have bought
her. I refused to turn over the said
steamer solely for the reason that Blakiston
and Mackie refused Dunn his commissions on
charters effected with the Akita Officers and at
the request of said Dunn, and Capt Brown who said
that he (Brown) had pleased his mind and was sure
that it should be paid. My commissions had
previously been paid without any or much objection
Mackie asked me to take his Bill for 20 days. I
declined because the money had always been paid
him by the Japanese. and a part of the money
finally paid for said steamer was the identical money
intended to be paid for the said steamer to the Owners
of Chusan's Officers, but freed from them by the
New Kanagawa Governments hire here for the first
time The delay of transfer was caused by an
attempt to deprive Dunn of his commissions for
effecting new or more charters, by parties who were
at the time in very unpleasant terms with him.

(Signed) C. E. Rice

Personally appeared the before named C. E. Rice and
made oath that the foregoing by him signed is true
in accordance with his best knowledge and belief.

29/10 July 1861

No 36, S. D. Chauncey

Chauncey Chamberlain seal

Copy

Memo.

[illegible] owner's Agent of the Steamer Kaahumanu informed me that Ah S. S. Lee was to receive commissions on the sale of said vessel and I believe that a portion of the first payment [illegible] was mine belonging to the Chinaman.

Honolulu 26 July 1841

(Signed) Jno. Blackman

Memorandum by
Mr Thos Blakiston

Feb 10 Sept 12. 1841

Copy.

H. B. M. Vice Consul
At Simoda

Sir)

Permission to Kizuboi a Japanese Merchant to purchase the American built steamer Kanya Maru from Messrs B. Macki for the purpose of transporting the produce of a country.

With respect & consideration
Sewai Minoeki
Custom House Officer
at Hakodadi

26th year Kiu. Kwo 4.

The above translation is correct.
(Signed) Hookoni Yamaguchi
Interpreter of Custom House

Permission to purchase
the Kaiyo no Kuni

Filed Sep. 17, 1891

Copy.

Messrs. at the request of Col A.C. Drum U.S. Consul

S.S. "Kauai or Kauai" sold to Japanese
Government on the 12. September 1868.

Three Lios 67.500 equivalent to $ 90.000.

Paid Col Rice U.S. Consul by order of Mr Dillaston
on that date Bros 13.500
equivalent to $ 4.500.

Honolulu 29. April 1871 B.M. & Co

Extracts from cash book of Blackinton Manley & Co

1871.

Sept. 12. J Dillaston Cash (H.Drums) B. 7.218 = $ 2624.73
" " " (S.S. Rice) 13.500 = " 4909.09

12 Sept 1871 True extracts
B.M. & Co

Memo. extract
from Brooks &
Mrs Blatchford Adm
to

Files Sept 12, 1871

Copy

Schooner Brother Capt. Roe.
entered in the N. G. Consular Books
on the 24th of October, cleared on the
2d of November 809.

Memoranda date
and time Journal
of departure of the
Bertha

Filed Sept 12 1871

Copy

178.

Department of State
Washington October 12, 1889

J. C. Lee Esq
U S. Consul
Hakodadi Japan

Sir

Your dispatch No 33, inclosing accounts and Returns has been received and referred to the proper Offices.

The appropriation in the act of Congress under which a salary is granted to your Consulate for the year beginning on the 1st July last, you were therefore right in not drawing such salary until the 30th September last,

I am Sir
Your obedient Servant
J. C. B. Davis
Assistant Secretary

Copy of dispatch
from State Department

Filed Sept. 12, 1871

Copy.

This is to certify that the British steamer "Queen" was not entered in this Consulate in the month of September 1858 neither did she obtain a clearance from this Consulate in said month of the same year.

British Consulate
Honolulu, H. July 8th 1841.
R. Swabey
H.B.M. Consul.

Seal

Fee $1.00.

A true copy
attest (Sig) Nathaniel Lee

Acceptance of British
Annuities &c. by Steam
"Lenerice"

Filed Sept 13, 1871

Copy.

North German Consulate Japan
Hakodate April the 26. 1871.

In compliance with the request of the United States
Consul. A. C Dunn Esqr. of this port. I
herewith state that I have paid to the U.S Consul
E. C. Rice Esqr at the time of the 16th September
1868. the amount of mex. $25.00 for noting a
protest for non delivery of goods shipped by
the British Steamer "Sunrise", which I thought
was unusual charge at the time, but was
told by Mr E. C. Rice that such was the proper
charge.

C. Gautier
Consul for the North German Confederation

{Seal of N. G. Consulate Hakodate}

The Consul for North German Confederation
Gautier Esqr appeared before me this 26th day of
April 1871. and made oath to the above statements.

26 April 1871. (Signed) A. S. Clunkey
{Seal of German Consulate}
Actg German Cons. U.S.A.

Sworn before me this 26th day of April
1871.

A. C. Dunn
U.S. Consul

{A.S. Clunkey seal}

U.S. Consulate
Hakodate Japan

The name of the North German Confederation
Consul is C. Gautier not L. Gautier

(Signed) A. Clunkey

Copy J. H. Gaston's
affidavit.

Filed Sept 12, 1871

Copy.

Hakodadi 2nd July 1864.

Received of A Howell, the sum of Mexican dollars, two hundred, for arranging with Captain Lowe of the Am. BK "Zephyr" for the delivery of the cargo of Rice from Hong Kong. to this port. without producing the Bill of Lading.

E. E. Rice

$ 200.

Above copy

Rec'd of L. L. Rice
by Alfred Howell
for $200.—

Filed Sept 13, 1871

Copy.

Nakodadi 11th September 1841.

H. E.
C. E. De Long.
Min. Plen. & E. & C. of the U.S.A. to Japan,

I have the honor to acknowledge the receipt of Your Excellency's letter of this days date giving me your permission to reply to Mr Rice's charges against me in the form of a note attaching copies of my correspondence. I take advantage of this permission and beg to be allowed to offer my thanks to Your Excellency for granting it. To make the whole case complete, I must give a brief summary of the events which have led to the correspondence. The Aunt arrived on the morning of the 8th inst. and the morning of the 10th Colonel Dunn called at my house and read to me copy of dispatch from Mr E. C. Rice to States Consul at this Port. This document I inclose marked A. I then addressed Your Excellency marked B. enclosing enclosure C in reply. Then follows D from which is replied to by Your Excellency's dispatch under cover marked E. In commenting more upon the letter of Mr Rice's dispatch I assume as a matter of course, that it is a true copy. but this can at once be answered by Your Excellency. The statements now made by me, I assume to have been before H.B. Mr Consul and I shall confine my remarks entirely to questions of fact. Mr Rice first states that in his opinion the charges made against him are instigated by me. He does not give any grounds for this opinion, and I therefore decline to discuss it by stating in the fullest and most unreserved manner, that I have never instigated Mr Dunn or any one to make any charge at all against Mr Rice. Mr Rice states that since 1864, I have been his bitter enemy, for upholding

against me this unprincipled, libellous, diabolical
declaration of Dunn & Japanese grammar. and refers to
printed pamphlet marked A. dated 1864. when I
first knew Mr Rice. I have never been on terms
any intimacy with him. I have often thought him
acts dishonorable and disgraceful, and when the occasion
has arisen have told him so. But I have never been
on such terms with him as to make enmity probable.
The pamphlet he enclosed is without signature. and no
even printers name. Its existence was studiously concealed
Hakodadi. and I saw a copy of it for the first time in
Yokohama. in December 870. Believing it was written
Mr Rice I then went to him and demanded immediate
proof or an apology. Mr Rice denied the authorship.
On the 21st December 1870. I addressed Mr C. Gautier
Imperial Majesty's Consul at this Port, as I had reason to believe
that he was the Author. In reply he evaded the question
and I again wrote to him on the 17. December. He then
denies it. but thinking his denial unsatisfactory. I addressed
H. E. Von Brandt on the 14th February 871. and enclosed copies
of these letters marked H. G. & H. I enclose Mr Von Brandts
reply marked I and at an interview I had with him
he informed me that he had no knowledge of Mr Gautier
having written it. and advised me on the fact of its being
unsigned. and with no printers name on it, to refuse to
notice its allegations. If Mr Rice will acknowledge its
authorship I will at once indict him for libel. and on
trial only upset that it is a calumnious and malicious
& untruthful as far as it refers to me in nearly every
particular. Mr Rice then states that on Mr.
Dunns arrival I resorted to dishonorable means to
bring about a disagreement between him, Mr Dunn &
Mr Rice and did so under false pretenses induce
Dunn. to come to me for a few days. and

ly succeed in inducing him to remove to
my way from the business part of the City, the Consulate.
Mr Dunn arrived here on the 2nd November. 1870.
was first pointed out to Mr Rice on the
November. He called at my office on the 5th and
fully complained that Mr Rice was endeavoring to
ut an exhorbitant rate of rent, and that in the
use of any hotel, he found that he must have to pay
I replied. Mr Dunn. I am in the point of
my Hakodadi. I cannot rent my house or any
t of it. or any part of my office. but there are
mple of rooms at your service and you can make
of them if you please. Mr Dunn did so. and I then
ed upon Miss Dunn, and they came to my house on
3rd instr. Mr Rice almost renewed his demands, and
left my house. on the 8th day of November. I left
Hodadi on the 10th November 1870. and did not return
the 18th May 1871. I never spoke to Mr Dunn about
allowing the Consulate to my house. He commenced on
rent his office. and I recommended him to build
on the land allotted to the U.S. Government. I
him hospitality for a day or two. as I was on the
of going away. and by the mail in which I
Dunn came the letter for his suspension from office.
During my stay in Yokohama I sent him a
paper but to the best of my knowledge never met
nor he to me. I met Mrs Dunn. adverting
execution of a few commissions that she had entrusted
with. but therein did I mention Mr Rice's name
that of any of his family.
Rice was a fellow passenger with me to Yokohama
during the voyage I said to him. "Mr Rice it
appears that we are passengers. Had you left Hakodadi
should have written to you and told you that as

regards the case of the Zephyr you acted in a most
dishonorable way, also in the Lisu affair. As we
are here I owe to tell you so!
I never had the slightest wish, intention, or motive
to buy his property. and never made any of the remarks
he said I did. I also never said one word about
pursuing my enemies to the bitter end &c.
His property is not near mine, & would be of no
use to me any way. Mr Rice has over and over
again begged me to buy it and has made various
offers to swap me in the place, including my partner
Mr Atkinson & Mr Wilson. Quite recently he begged me
to lend him $5000. upon it and to be his Agent here
Mr Rice next states that "from private letters received
here from reliable sources up to Dec 15. 1870. he is
abused that Mr Dunn is entirely under my influence
I left Hakodadi with Mr. Rice on the 10th Nov
1870. and did not return till 14th May 1871. I never
saw or wrote to Mr Dunn in the meantime and when
I returned he was suspended from office.
Mr Rice states that I am "a frequent contributor to
the Japan Mail."
During the entire time of my residence in Hakodadi
I never wrote one line to the Japan Mail. Whilst in
Yokohama I sent one letter of 16 lines to the paper on a
matter purely local and indeed private. I have not
seen Your Excellency since in my life. (on church and
occasion of Dr. Dorr's wedding) I have never written
one line to any newspaper or even to any individual
about either Your Excellency or any official in Japan
or elsewhere. and to the best of my knowledge I have
never discussed any official or private act of Your
Excellency. Mr Rice truly states that it is easy to
make charges against people at a distance of over

passed unto". These charges are brought against
by his predecessor, by the Governor of this Port by his
citizens, and by nearly every resident in this place,
defends himself by defaming me, and ascribes all
allegations to my influence when I am not even in
place. Your Excellency will be reminded by facilitation
evidence upon the statements and counter statements
be. which leave all comment unnecessary.

I have only further to state that as regards the
Hyde" case as it will doubtless appear in evidence,
was brought to bear the Prince. and only heard
of in Yokohama that my partner Mr Nelson had
called to complain officially about it. He never did
and I should not have originated it. But on the
July Mr A. Rice addressed H.B. Majesty's Consul a
letter J. to which I replied by memorandum K. If Mr
had not sought any opinion upon it. I should not
given me. But if the Courts require upon it
will but my opinion to give.

have limited my remarks entirely to statements of
fact. which can alone be proved. by other and
dependent testimony. and I have only again to thank
Excellency for the opportunity given me of doing

I have the honor to be
Your Excellency's
Most obedient humble servant
(Sd) Alfred Howell.

day personally appeared before me Alfred Howell resident
this Port. who in my presence did take oath and swear
all the facts related in the above letter to the Hon
Dating are true and all the letters to and from
said Alfred Howell which are marked as enclosures are
copies of the original letters according to the best of his
knowledge & belief

(LS)

R. Lindau
H.B.M. Consul

Sworn to before me this 12th day of Sept. 1871.

Copy

Enclosure A. Washington February 2nd 1871.

Hon: Hamilton Fish
Secretary of State &c &c

In reply to the charges made against me by A.C. Dunn my successor at Hakodadi they say that they are false malicious and derelict. That in my opinion they are instigated by one Alfred Hamell a resident of Hakodadi &c Hamell is an Englishman and since 1864. has been my bitter enemy. for opposing against him my solemn opinion his disobedience of Imperial Japanese orders, see enclosure marked A That at the arrival of Mr Dunn, he (Hamell) resorted to abominable means to bring about a disagreement between Dunn & myself and did under false pretences induce Dunn to remove to his house for a few days and nearly succeeded in inducing him to remove the Consulate to his (Hamells) private dwelling house. a long way from the business part of the city. but upon my calling Mr Dunn attention to the Consular Regulations on that subject, he concluded to have the archives at the building where it was originally kept by me. Hamell told me on the passage to Yokohama in November last. that he wanted and must have within one year my Consulate but so called. (a part of which I had rented & leased paid rent for 12 years.) and even in terms. also that he always pursued his enemies to the bitter end. & any one who has done him an injury whether intentional or not. that I had injured him at the Imperial Court and consequently was his enemy. Some proofs of this will be found from reliable sources up to Dec 15. 1870. Now admit that Mr Dunn is entirely under the influence and control of said Hamell. Hamell is a frequent contributor to one of the Brothers the Editors of the Japan Mail. that has during the past year published as many scurrilous articles upon the Hon. C

Long. and Minister and American interests generally.
That Mr Dunn and his advisers supposing that my business
with Washington was to endeavour to get recommended and in order to
do might make use of the fact of his (Dunn) unaccountable
stay and evident unlicensing and spending the Government
money his stay at Yokohama, as reported by Mr Kline and
Consul Lyon. have made use of these false and
malicious charges to prevent my return as Consul. Enclosed
herewith. A.B.C.D.E. Vouchers No 1, 2 & 3. and letters No.
3½, 4. & 5. contain my reply in brief so far as I am able
from memory and the papers I handed with me to make it at
present. I therefore most respectfully ask and request that the
whole matter may be referred to our Minister Hon C.E. DeLong.
for the most thorough investigation and scrutiny and if he
thinks it advisable, I request that Consul Shepard may be
sent to Hakodadi for that purpose. I respectfully refer to
Art. 11th of Perry's Treaty with Japan.
I further respectfully request that the Government of the U.S.
will see that the Contracts entered into by the Govt de facto.
shall be faithfully carried out by the present Govt in
accordance with the practice of all Treaty Powers and International
Law. In enclosing I beg to enquire why these charges
(if true) were not made at or soon after the offences were
said to have been committed and not wait until after I had left
the country. when it would put me to so great trouble & disposition
of time. It is very easy to make charges against public
men and officers at a distance of over two thousand miles.
especially with such a creature as Alfred Atwell to
manipulate. During [illegible] more than 14 years I have
conscientiously discharged the duties required by my commissions
and having to the best of my ability and
faithfully at my own expense during that long period in
the interests of this country and under trying and peculiar
circumstances upheld American Interests and the true Republican

principles of our Government. I trust justice will be done me and that my family our residency and that country will not be deprived of all I have. It keeps them from starvation, also that designing Englishmen and their coadjutors in evil blast the character and reputation of an old and faithful public servant.

I have the honor to be
Sir,
Your obedient Servant
E. E. Rice
late Consul at Hakodadi Japan.

Copy Enclosure B.

Hakodadi 9th September 1871

Sir,

Col Dunn late US Consul at this port has shewn me a copy of a dispatch from the E. E. Rice. US Consul dated Washington February 3rd 1871. addressed to the Hon the Hamilton Fish. In this dispatch are contained charges against me of an extraordinary kind which I have the honor to request Your Excellency to enquire into as they involve the gravest charges against my honor and personal character. I therefore beg to request that Your Excellency will be pleased to grant me a copy of this dispatch in order that I may be able reply to the implications contained.

I beg. Your Excellency to pardon any deviation from the ordinary channel of official communication in the request I make as informal but I would take the earliest opportunity of meeting such astounding charges as the Rev has made.

I have the honor to be
Your Excellency's
Most obedient humble servant.
Alfred Howell.

H.B.M.
C.E. Dudley
Esq. H.B.M. Secretary of
Legation of the
U.S.A. in Japan

Inclosure C. Copy

U. S. Coal Hakodate
Japan Sept. 11th 1871.

Your note of date the 6th inst. advising me that Mr Dunn had shown you a copy of a dispatch from Mr Rice to Hon Hamilton Fish of date Feb. 3. 1871. requesting me to forward you with a copy of the same to investigate the charges therein made against you Mr Rice is at hand. It would afford me much pleasure to comply with your request therein made if under the laws of my service I could do so without obtaining previous permission from the Department of State which however is not permissible. Communications with the State Department are not intended or admitted to be made public except under the direction of the Hon Secretary. In this case Mr Dunn as one of the parties to this investigation was allowed to peruse all correspondence relating in any way affecting his case. It was irregular for him to copy any of the correspondence or state any of its contents without obtaining previous permission from me which I did not do. His having done so in this instance I presume was the result of thoughtlessness, and I will therefore overlook it.

Regretting that I cannot comply with your request

I have the honor to remain

Sir,

Your most obedient servant

C. E. De Long

Enclosure D Copy

Yokohama 11 September 18[illegible]

A. E.

B. E. Delivery.

E. E. & Min. Plen. &c. &c.

U.S. Legation at Japan

&c. &c. &c.

Sir

I have the honor to acknowledge the receipt of Your Excellency's dispatch of to-day's date and beg to thank you for the terms in which your inability to comply with my request is granted. In regard to the charges made against me by the Rio's my absolute denial of them, and the ready opportunity of repeating them as presented by Your Excellency's accurate hand, I would now beg permission to address you a letter on the subject to be forwarded either by your approval to the Hon Secy of State or to be allowed to address you on the subject orally when I am called (as I am informed I am to be) as a witness to Your Excellency's Court of enquiry. The great injury which the Rio's accusations against me are likely to cause, will I trust commend itself to Your Excellency's judgement as an excuse for my anxiety to dispose them at once and I cannot but hope that the opportunity now offered of meeting such charges may be extended to me in any way Your Excellency may think fit.

I have the honor to be

Your Excellency's

Most obedient humble servant

Alfred Howell

Copy Enclosure E

S. S. Ariel Hakodadi
September 11th 1871.

Acknowledging the rest of your communication of this date I have to state in reply that if you shall prepare your reply to the Kiu's charges against me in the form of a note true attaching it to this of this correspondence and swear to it before your Consul, I will if you request it, attach the same to it as a part of the record in this case for communication to the Hon Secy of State. This is the only method I can pursue to lay your reply with the record of these proceedings before the State Department.

Trusting that this course may prove agreeable to you.

I have the honor Sirs
to remain, Your most obt Servant
C. E. De Long

Wm Harrell Esq
Hakodadi Japan

Enclosure F

Yokohama 21st Dec 1871

Consul Gardner Esq
Hakodadi

Sir, Since my arrival here I have seen a copy of a letter in the form of a pamphlet of which your brother Mr R Gardner and myself are mentioned as the authors

In it reference is made to what you attributed when I left it the Ainu affair of Kennet Bone, & White and in which frequent use is made of my name in a way totally at variance with the facts, and containing imputations and reflections on my character and honor of the grossest kind. So long as this letter was only sent to Berlin, I should not stoop to notice it though I form my decided opinion upon the character and veracity of its authors and translators, But as it has been published and I presume circulated I am bound to notice its libellous character and request your immediate proof or retraction. The passages I allude more particularly refer to are.

1st It is stated that Capt. Tyng opened the affair. This is quite false. Capt. Tyng at once issued summons against the 3 Defendants.

2nd It is stated that I being called, consented to act as an officer. I have wrote to inform you that I strongly protested against being called Assessor and before the trial informed Capt Tyng that under no circumstances would I give any opinion upon the case but upon it. You also write that the accused was pronounced innocent but this you know was not the case. It was agreed by Dr Harry Parkes. and both the Admiral & myself disagreed with any opinion of the innocence of the accused. The charge though only affecting me indirectly is proof of the general incorrectness of your statements.

of 3 is more important as it styles the accused as in all
probability my accomplices. For this infamous libel
you must the slightest grounds. I am ready to take
oath that I never knew that the three defendants
were the country and never screamed did I speak to
them about Cannon Pins or Skulls. As to alluding to premeditated
assignment" this is also a false statement to
the assignment of any deception was ever made as far as
my knowledge goes. 5th alludes to escape. There never was
the slightest evidence that any attempt was ever made for the
escape of the prisoners. and so far as I am concerned the
statement is utterly untrue. You must know that they never
left the prison. You acknowledge it by the subsequent
paragraph about Capt Ryan, and again you state that though
attacked, you can see outside your door. I was not at your
door at all. Of all Enclis share in the pamphlet I
have not alluded here. He refuses to himself completely
to establish his share in the letter. Though it is hardly
conceivable that he could so write of himself it is quite
certain that no one else could so devote him. But he
must account to himself and I could never only make
myself responsible for your share of it. The words of the
letter are at Rockadare and you can easily satisfy
yourself about the assignment and the accuracy of your
interpretation of it. I am here and can easily take steps to
bring it to the notice of your official superiors.
I say most emphatically all imputations of the slightest
complicity with Kennedy Stone, and Whitely. on the
contrary and am prepared to swear to the truth of all
that I now write. I will not acquaint you with motives in
writing this to shadow me, or throw of your trail. I know
that this I could never have spoken. Sufficient time
has now elapsed, to enable you to review your conduct and
trust that all angry feelings being removed, you will

see the prudence of an immediate apology on behalf of your brother and yourself for the gross errors, which your false statements under cover of the facts of the case not better known to me. I have distinctly denied all the charges and imputations made and you must either at once substantiate them or withdraw them.

You next fear no allusions to the share that I had in a former matter of the same kind will at all affect me. All that I did is perfectly well known. I never concealed it and am entirely ashamed of it. Under similar circumstances I would do the same, and a faithful record of the entire transaction was sent to Hon Harry Parkes at the time. I need hardly assure you that my only object in pursuing this matter is to vindicate myself and not in any way to stir up angry feelings amongst so limited a society as ours. but I cannot allow such unjust and false statements to be put in circulation by your brother and self. I assume to myself full right to publish this letter and to take further steps as I may deem

I know of the pamphlet but had never seen it till my arrival here. Your brother may rest be under no misunderstanding as to any cause of anger against him. I had long known of his letter. but as in a late occasion I frankly disproved a libel which he had heard that I related about him I trust that he will transact business honestly and truthfully with me.

Your obedient servant

Alfred Howell

Copy. Enclosure C.

Yokohama 17. January 1871.

Gentlemen Esqrs
Hakodadi

I have received your letter of the 7th inst. replying to
mine of the 21st ult. I regret to say that I consider it
altogether unsatisfactory and evasive. For it does not
allude to the distinct charges which I made and
evidently enlarges upon the share you took in the
affair of the "escape" of the three defendants. This
answer is so much at variance with the report in
the pamphlet and so completely belies the impressions
I have of the circumstances that I am bound to say
that I consider your information totally at variance with
the facts. But the object of my letter was not
to discuss any share you took in the affair, but to
call on you and your brother to account to me for
having presumed to use my name in the way you did.
And I must beg that the points I alluded to be more
satisfactorily answered. In the pamphlet it is stated that
Mr Punk, Lane & Whitely were made all probability my
accomplices & dupes. I declare on oath that I never
spoke to them, knew of this expedition or was in
the slightest degree connected or even acquainted with
it. You reflect upon me for acting as assessor when I
have on oath that I protested against being called,
refused to give any decision and only did so under protest.
& the court declared the defendants innocent when
I did nothing of the sort. These are grave charges
made in a deliberate way and demand as I ask
immediate proof or immediate apology. I will not
appeal to the Supreme Minister unless you force me to
by a criminal action against you and your brother

to get the matter between you and me. and
the charges against me would be disproved or explo
to me. unless you attempt to hide them. You d
not account for the fact of allowing the Emlie to H.
translate and publish in English the letter. It is cu
hardly have been for a Geographical society and Rela
and from either that it was done in ignorance o
consequences. or as a base and malicious attempt
do me an injury. but it constitutes a criminal of
unless you prove its truth. which I defy you to do
I therefore call upon you to do so or accept the consequ
of a refusal. I would ask you to be good enough to
reply there in English to so complete a matter of
language there can be no taxation upon your sincerity

Awaiting your immediate reply

I am Sr.

Your obedient Servant

Alfred Howell

Copy Enclosure H

Yokohama 14th February 1871

H. E.
Von Brandt
Envoy of the N. G. Confed.
[illegible] in Yokohama.

I have the honor to crave your attention to the
following statement. During a visit last year
I saw for the first time a pamphlet printed in english
without printer's name, purporting to be extract
from a letter written in Hakodadi to some friends
in Berlin, and bearing most unmistakable evidence
that the authors were Mr R. Gautier & Mr C. Gautier.
It abounded in misstatements and contained
imputations upon me of so serious a nature that I at
once wrote to Mr C. Gautier and requested immediate
explanation or apology. I received a very unsatisfactory
and reply, and against most distinctly capitulating
charges and repeatedly detailed explicit. In this letter
I received no answer. On Mr R. Gautier's arrival
I asked explanation but this gentleman most denied all
explicitly with a mere knowledge of the pamphlet and
stated that all that he addressed to Berlin can be
found in the archives of Your Excellency's Legation.
which I am informed. I therefore would beg the favor of
information in which I would lay before Your Excellency
charges I have made, the correspondence that has
taken place, and by reference to the letters themselves
certain whether they contain the impugned matter or
whether it has been added by the Translator.
I would do myself the honor to call at any time most
suitable to you.

I have the honor to be
Your most obedient servant
Alpheus Hewell

Copy. Enclosure I

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 14th inst. in which you inform me that certain letters addressed by Mr R. Gautier to the Legation. As such letters would form part of the archives of the Legation, I do not feel at liberty to communicate them without instructions. However you however still write me on this subject, I shall be most happy to receive you though as the matter does not seem a very pressing one I would feel thankful if you would not call on me before the beginning of the next week. as I am very much engaged just now.

Believe me
Yours very obedient servant
Wm Brant,

Wednesday
Enclosure J.

United States Consulate
Hakodate July 12, 1871.

Sir,

I have been informed that Mr Nilsen of the firm of Howell & Co British subject, did on or before the 2d instant 1870. enter a complaint or action at law in the Consular Court against E. E. Rice an American citizen.

Finding no record of the same in the Book of the Consulate I respectfully ask you to ascertain from said firm if they do intend any such action or complaint or if they have any good cause of complaint against said Rice. and if so. to state particulars of the same in due form through your Consulate. Your early attention to this matter is respectfully requested

I have the honor to be
Sir
Your most Respectfully Your obt Servant
Nathaniel G. Rice
Acting US Vice Consul

R. Enclosure Esq
&c &c &c Consul
Hakodate

Copy Enclosure

Blakodate 13th July 1891.

Sir,

We have the honor to acknowledge the receipt of your dispatch dated 10th instant enclosing one from W. S. Rice Acting U.S. Vice Consul and in reply beg to state that at no time have we British subjects have made complaint or taken legal actions at law in the American Consulate.

As regards our great cause of complaint against E. S. Rice American citizen, his father, the late and the present U.S. Consul at this port we have adhered in the present constitution of the Consulate from the matter,

We are Sir,
Your obedient Servants
Atwell & Co,

Consul Esqr
H.B.M. Consul
Blakodate.

Affidavit of B
Alpheus Howell Esq.

Filed Sept 12, 1871

Copy

Statement of C. H. Dix relative to the Barque "Yeddo" etc. =

The Cayalli came into this port and anchored with ... August 1867. Shortly after Geo. Bonick ... on board and not being able to communicate with anyone ... board, took his chinaman alone, in order to get ... matin through Custom's work. I with a Chinaman ... went down about half way or three, or my ... and on board with the assistance of the merchant ... aunt the Chinaman on board and was told by the China ... gator on board who has visited the ships for the past ... years, that she was American and her colors ... the Am. flag. during that time. He produced the ... ican ensign and at my orders hoisted the same. ... Whilst I was below entirely the examination visit ... which came alongside hauled down the Am. flag ... was on the act of hoisting his home flag when I ... ade him to do and he left the ship. There being no ... papers, I took the boat Chinaman to the Custom ... e, and after for and obtained the C.H. Officers and ... e papers. and placed the ships in charge of the ... mary officials for safe keeping. During that visit ... which went on board took the anchor and brought ... back further in. and close to the ships. and at daylight ... ted and hoisted Spanish flag. at 10 a.m. I called a ... ting of all the Consuls at my office for consultation, ... during the same Bonick the pilots started for ... purpose of removing the boat outside of the harbor. ... This intention being reported to me a meeting was ... tantly adjourned to the ships in season to prevent the ... tion being carried out. After consultation ... unanimously agreed that the ships should be ... was then put in charge of the Japanese Government ... remained in their keeping until taken possession of

by Capt Earl English U.S.S. "Iroquois" who ord
his first officer to place the Am. flag on the ca
(See Inclosure) During the examination
Chinese quantity of coins of various denomin
was brought on board the Iroquois. Taken fro
the Chinese when in possession of them. It was com
ascertained by the Paymaster the value
also placed in my keeping. It was afterwards valu
also ascertained by the Imperial Paymaster "Heida

At my request the Japanese Govt at once plac
a petty official in charge who remained on board
until the bombardment of the town when all can
and the ship was for many weeks without a keeper

When peace was again established, finding
no charge of the Mk. I again applied to the Cdr. for
keeper. They declined to have anything more to
with her. when I placed her in charge of Mr. B
(See his statement) as to where the contents of
same were, see affidavit of B. F. Littlefield and
report of Lt Ludlow.

There were many reports that Thompson of Ba
had received a large sum of money from them ch
and sold it in Shanghai. One thing was certain
this firm suddenly became flush with money. E
expended their funds rapidly. Also Allan, who
dead, bought from the Japanese 480 Peruvian
dollars at a nominal price. I appealed to Mr. Ea
British Consul to investigate the affair. and he
refused. and all the satisfaction I got, was the ha
of said Englishmen, and their friends. Little I am
hopeful satisfied that the parties named did rece
and dispose of the money as stated.

E. E. Rice

Personally appeared the above named E. E. Rice, and m

ch that the foregoing by hand signed, is true
ording to this best knowledge and belief.
18 July. 1871 L35.

Hamblin

(L.S.) Seal

Statement of U.S. Rev
amo the Cavalier

Filed Sept 12, 1871

Copy.

To C C Rice Esqre

U.S. Consul &c &c &c Consul

The undersigned hereby begs to inform you that the Japanese Govt Custom House has received the barque Providencia from the English merchant Mr Geo Brinck who took by request charge of the bark Providencia. with Chinese on board. but not master which caused the port of Honolulu. to be under quarantine. hoisting the colors of no treaty power. Thus the Custom House wants to enquire into the matter and will keep the above named vessel until the matter is clearly found out. But so soon as the nationality and owner is found out, she shall be ~~[illegible]~~ returned back to the Consul to which she belongs.

With respect & consideration

Hawaii Yoonski

Officer of Custom House

per J. Yamano.

Kanaia 4th year

Letter from Asst.
Cashier Hanna to
E R Rice about the
"Cayuga"

Filed Sept 12/71

Copy

J. C. C. Rives Esqr
U.S. Consul
Hull & &c &c &c

Herewith the undersigned begs to address you a Petition to the Chinese Emperor to Jurisdiction by the usual Writ of Error at this port. in a state of distress. as he wishes to examine them tomorrow the 12th at Hong Kong therefore he requests your presence tomorrow at 10 o'clock.

With respect & consideration

Chas Gunary

Consul for the Honble Chas Gordon for Foreign affairs

Letter from Capt
Grimes to E. A. Hitchcock
about Shumway
Cazalet

Filed Sept 12 1849

Copy.

To C C Rice Esqr
US Consul &c &c &c Consul

The undersigned has duty to state that it has
been informed yesterday a few days ago. that the
U.S. of America the vessel. Pensacola it
is known that she has no Captain, nor master
on board and is unknown of the nationality
nor others. Thus the Japanese Government
keep the said vessel. and hunt the Japanese
colonies until the matter is found clearly.

Further the undersigned makes to examine
strictly. according to the Japanese law consequently
the undersigned request you will be kind
enough to be present. at the enquiry on board
said vessel tomorrow 17th 9 o'clock AM.

During the enquiry you will please inform
your people that no body can go on board
without permission. but if necessary they will
report it to the Custom House. for it is very
express that no trouble should arise from
not understanding language.

With respect & consideration

Yours &c &c
Tokio

Ono Junsuke
Secretary
Charge d'Affaires in Affairs

Japanese Govt to
E. E. Rio about
not permitting pass-
engers from board "Cazadero"

Filed Sept 12/11

Copy

Rough memory of cargo on board the Brig
Malta when delivered to the Japanese Govt
Vessel by Mr Geo Burnett.

1st A quantity of one inch hooping iron
and boxes of rivets.
2nd 3 large cauldrons or boy pots.
3rd A quantity of bales of bagging for making
sugar bags.
4th 2 bags of coffee in good condition.
5th A number of bags of flour.
6th A quantity of provisions of little or no importance.

The above memory was taken on the
day of delivery by me on company
with Mr Laurence Master Constable

Jas L. Thompson
James Thompson Steward
Hakodate Japan

Remarks of Soldiers
on board of the HM
Cazalet

Held Sept 13. 1871

Copy

Translation of Attached Annual Document.

BR Capelle from Macao out 10 days got into Typhoon and took refuge in some port where there was some. Name of port not known Chinese. The capt. took money and went on shore to buy provisions. as the vessel had been out of provision, but he did not return. As he did not return the vessel sailed for 34 days. As he did not come back and vessel being quite out of provisions the men got mutinous intending to go up to Yeddo. but as they did not know where they were, they did not know how to steer. Ultimately they arrived off Hakodadi. in starving condition.

This paper was written to beg any person whether others to buy a pittance.

Translated by Geanda

Hakodadi Sept 17, 1869

Answered Sept 5
the Cazadero Case

Yuba Sept 13. 1871

Copy

Amend subscription list of monies subscribed by residents here to pay the passage to China of Chinese who came here in the bk "Cazalet".

Hood for three men $3.00
29 men each rec'd $3. $117.00
Money paid Am. Consul. 250.00
In all $370.00

The following names of subscribers & amt of each subscription set opposite their names.-

These are names of all the 29 Chinese.

Subscription list
for remitted to
29 Chinese papers &
the Gazette

3rd of 4th Month Taigi = August 20th 1868.
Gold, Silver, + Copper Coins taken out from 35 Chinamen whom came by on board of the Bark "Bazalte"

19th of 9th Month Taigi = November 3rd 1868.
The following amount has been delivered to the U. S. Consul R. R. Rice Esqr: + R. English Esqr: Commander of the U. S. Navy, Commanding U. S. S. "Iroquois."

1	Piece of gold coin	@ $50	price $	50. –		
64	— do.	, , , ,	20	,	1140. –	
10	do.	, , , ,	10	,	100. –	
6	do	, , , ,	5	,	30. –	
48. 4	do	, , , ,	1	,	4. –	$ 1324. 0
202	do.	, silver , ,	1	,	202. –	
150	do.	, , , ,	ch·50	,	75. –	
48	do.	, , , ,	·25	,	12. –	
851	do.	, , , ,	·20	,	170. –	
97	do.	, , , ,	·10	,	9.70	
369 21	do.	, copper ,	value unknown.		—. –	468. 90
447	pieces of Gold, Silver + Copper coins				Mex $	1792. 90

9th of 3rd Month
Meiji 4th year Tuzigi
The Office of.
Foreign Department
Hakodadi. Japan.

Japanese Seal.

Statement of the loins
taken from the bayalti

Filed Sept. 13. 1871.
(signed) W. R. McClong.

Date 1871.	Numbers.
April 16th.	
March 11th.	29.
" 10th.	25.
" 9th.	31.
" 8th.	31.
February 4th.	
January 9th	1.
April 15th.	34.
March 14th.	31.
" 12th.	24.
" 11th.	20.
January 30th.	8.
" 28th.	4.
" 28th.	6.
" 28th.	5.
" 25th.	4.

Date 1870.		Numbers.
November	3d	1.
"	3d	4.
"	15th	29.
"	3rd	8.
"	3rd	9.
"	12th	19.
"	12th	18.
"	4th	12.
"	10th	16.
"	13th	21.
"	29th	27.
"	23rd	31.
"	30th	46.
"	24th	36.
December	4th	47.
November	4th	13.
"	17th	24.
December	1st	49.
November	30th	45.
December	15th	13.
"	20th	2.
"	16th	
November	26th	
"	18th	26.
December	3rd	
"	8th	
November	15	

(4.)

United States Consulate
Hakodadi Oct. 30. 1870

James M. Batchelder Esq
Yedo.

Sir,

Your letter dated September 22nd last came duly to hand, and as your request or proposition to my mind is just - I have this day received from Capt. Preble Nine hundred & Eleven Rios & paid the full claim of the Japanese Government as per Bill & Receipt enclosed. Upon your arrival here I will endorse the Certificate of deposit ($1257 Mex.) Twelve hundred & fifty seven mexican dollars of various coins taken from the said piratical Chinese passengers, on arrival at this port, & leaves a balance due you of Seven hundred & ninety nine ($799.00) dollars which with any additional expenses that may arise must come from the amount derived from the Sale of the ship.

I will lay this matter before the Minister for his advice and direction

Respectfully yours.
(signed) R. R. Rice
Consul.

Copy of letter from L. L.
Rice to D. M. Batcheloder

Filed Sept. 13th 1871

(signed) L. L. Wedong.

(4.)

Translation.

Hakodadi. 13th September 1871

Extract of our Ledger A. fos 63 & 64.

August 1869
Sch. "Peiho."

Yokohama

Certificate of U. S. Consul, brought on afc by Rice Brothers, on draft Barnett of San Francisco viz:- $ 52. 00

Bill of Exchange.

do. our Draft No. 2776. Commission 5% on sale of above steamer. 500. 00

$ 552.

August 1869.
Sch. "Independance."

Yokohama

part of Consular fees amounting to $ 96. — as per draft. $ 93. —

Cash

Balance of Consular fees. $ 1. —

Charter.

Freight on 1 & provisions per "Suacho" $ 2. — $ 96. —

Yokohama.

Commission 5% to Rice on the sale of above schooner. 100. —

$ 196. —

True Copy.
(signed) for A. Fabre Barne & G
Consul.

Stamp.

Hakodadi, 13th September 18

Extrait de notre Journal A fos 63 & 64.

Août 1869

Sch. "Peiho."

à Yokohama.

Certificat du Consul Américain

porté en Cte par Rice frères sur traite

Barnett de San Francisco, ci — $ 52. —

à Traites

de m/ mandat No. 2776 Comn 5% sur

Vte de ce steamer. $ 500. —

$ 552. —

Août 1869

Sch. "Independance"

à Yokohama

partie des droits consulaires s'élevants

à $ 96.. s/ traite $ 93. —

64 à Caisse

appoint s/ Droits Consulaires $ 1. —

66 à Affrêtments

Compte droits consulaires, frêt à

l et Epiceries par "Guacho" $ 2. — 96. —

à Yokohama

Commission 5% à Rice sur vente

de ce schooner. $ 100. — 100. —

$ 196. —

pour Copie conforme

{Stamp.} (sig.) P. A. Fabre Boerne & Co

Consul

Account of R. R. Rice
for commissions on sale
of Str "Peiho" & Schooner
"Independence"

Filed Sept. 13th 1871.
(signed) W. R. Wedding.

Copies.

$400.— Hakodadi July 19th 1869

Received from Messrs A. Fabre Boerne
of the sum of Four hundred dollars being five
(5%) per cent brokerage on the sale of the steamer "Peiho"

8/4/69 (sig.) R. R. Rice
per G. R. R.

$200.— Hakodadi July 19th 1869

Received from Messrs A. Fabre Boerne
of the sum of Two Hundred Dollars, being five
(5%) per cent brokerage on the sale of the schooner
"Independence"

8/4/69 (sig) R. R. Rice
per G. R. R.

Messrs A. Fabre Boerne &
Schooner "Independence"
to United States Consulate at Hakodadi

Dr.

1869. May 17. Certificate $96.00

Received payment.
(sig) R. R. Rice
Consul.

True Copy.

{Stamp.} (signed) pr A. Fabre Boerne & Co
Consul

Hakodadi 13th of September 1871.

Receipts of W. L. Rice
for money received for sales
of 'St. Paul' + 'Independent'

Filed Sept. 13th 1871.

(signed) L. L. McClung.

(p. V.)

Copy of a draft given to Rice Brothers on account
of brokerage of Str. Peiho

No 2776. Hakodadi 4th August 1869

At three days after sight please pay to
Rice Brothers or order the sum of Mex. Dollars —
Five hundred only.

(signed) A. F. B & Co

on A. Fahr Boerne & Co
Yokohama.

True Copy.
(signed) pr. A. Fahr Boerne & Co
Hbroseal

Stamp

Hakodadi 13th Sept. 1871.

Copy of Draft of Rice Bro
for Commissions on
sale of the Perho

Filed Sept. 13th 1871.
(signed) B. L. McClung.

Copy.

Inventory received from Japanese Authorities by Capt
S. Lee U.S. Consul at Hakodadi Japan
Taken from the Ahmiem on board the Barque
" reduced to the value of Mexican dollars.

Siam coin

Mexican dollars	106.2	New Seaman Dollar	.98
Seaman dollars	262.	284.37	
" ½ "	100	44.72	
Sun centpieces	86	7.69	
Duty " "	1207	215.94	502.72
Japanese silver			1.00

Gold coin @ rate of 106 2 Mexican dollars

Am. 20 gold pieces	20	$ 400.00	
Am. "	33	" 660.00	
Spanish gold piece	1	50.00	
Gold ounces	4	60.00	
Am. 10$ gold pieces	4	40.00	
Am. " "	6	60.00	
$5. "	6	30.00	
Total Gold coin		$ 1,300.00	1.224.11
Gold sleeve buttons			4.—
Total value			$ 1731.83

The above valuation is without regard to the rate of
Exchange at Hakodadi. From what I can
learn, I should judge $1,700. to be a fair valuation
for the above.

Thos L Lulloch
Paymaster US Navy.

Hakodadi Japan
July 20. 1869.

Money received from Japanese Authorities which was taken from the Chinese on board the BR Cazalet.

Spanish Dollars		262.00
" ½ "	100.	50.00
Sycee taels	86.	8.60
Mexican.	1207.	241.40
Gold sleeve buttons		4.00
Amer. Br. gold pieces	20	400.00
Peru. "	83	660.00
Portugese.	1	20.00
Gold ornaments	4	60.00
Amer. Br. gold pieces	4	40.00
Spanish Br.	6.	60.00
do 6.	6	30.00
Japan silver		1.00
Variety of small copper coin & bills of value unknown Estimated		1867.00

I enquire 4000 boxes for the above and consider myself safe

Copy

Hakodadi October 16/1869

Received on board the steamer King Lee to be conveyed to the port of Shanghai. three hundred to Geo. F. Seward Esq. US Consul General Sixty nine (39) Chinese piratical prisoners ex Cazalet who have been in the custody of the Japanese Government since Aug 1869. Passage money for the same to be paid at the rate of ($20.) twenty dollars each. from the proceeds of the sale of the BR Cazalet when that same is sold

J. M. Batchelder

Copy

C. E. Lee Esqr
U.S. Consul

Sir

I beg to address you that the Chinamen there
for are to come across by the P.M. Co's. Steamer
which arrives days ago, I have already
communicated with you upon this matter, and on
account of how to manage. If those Chinamen
land or not there at that time, we all mutually
agreed to send them away. to their own country
and on this ofc herewith I send you 2
accompanying bills which we have given
to them every day to their own expenses up
to this date I trust as possible. that
you be paid as soon as possible.

Stated with respect & consideration
Your obt. humble servt

10 Chinese &c.

Copy

Hsiao Liaotung 22nd 1920

E. E. Rice Esq.
U.S. Consulate Hakodate

Dear Sir,

The money due us from NYK Cazalet for transporting the Vintzoni coolie murderers belonging to the from Hakodate to Shanghai as agreed with Governor Hachisuka myself and others last year we regret been paid them it did last October. It was then agreed it should be paid from proceeds of sale of said Cazalet with a few months twenty dollars for each coolie and one dollar a day for keeping charge of said Cazalet until sold.

29 passengers at $20.	$ 780.00
12 mos. Keeping Cazalet	" 360.00
	$ 1145.00

As the Japanese will not take any steps to have the Cazalet sold, but insist upon having their money for keeping said Coolies and forcing them as payment and for the delay about settling this matter, I will advance the sum required to pay the Japanese Government them say (Yen 911.

making in all to October 15; due me $2056, Two Thousand and fifty six Dollars. provided you will endorse over time for collection the enclosed draft you hold for twelve thousand and fifty seven Dollars on the United Bank for coins received from the Cazalet passengers leaving due me to October 15th Two Hundred & Ninety nine Dollars $299 for which please have me a certified copy of on my arrival at your port. So soon. So soon then take such steps as to have the same collected as soon as it can be legally done as the Cazalet is liable to such time. I can you then remit the money as above at any time you can call on Capt. Pabst who will hand you the Government release as above by the Government. Yours respectfully yours, J. M. Batchelor

Copy

United States Consulate
Marcodadi October 30. 1870

Thos H Batchelder Esq
Boss

Your letter dated Sept 22 last, came duly to hand
& in your request or proposition to my mind & just
on this day received from Capt Preble Commander
of the Ammunition as per bill rec'd enclosed. Upon
which amount I will endorse the certificate of deposit
($7. mex) Twelve Hundred and fifty seven
mexican dollars, it being the nett proceeds of
the coins taken from the said Chinese pirates
by our officers upon their arrival here, and leaving a
balance due you of seven hundred and ninety
two dollars ($ 792.00) which with any additional
sums that may accrue must come from
the amount derived from the sale of the ship
I will lay this matter before the Minister for his
advice and direction.

Respectfully
&c &c

Received above mentioned sum

Calcutta 1st at Hakodadi

D Rupees (Nine)

23

Copy

Received Hakodadi 3rd October 67
from E C Rich Esqr a draft dated 3rd 2[illegible]
from the Bank of California on the Oriental Bank
Yokohama for Twelve Hundred & Fifty Seven
Dollars, it being the nett proceeds of claims ta
from the Chinese coolies passengers p the Cag

Said amount to be credited on my accoun
for advances made for transporting the passen
to Shanghai & paying the Japanese Government
their claims against the Ex Chinese coolie
passengers.

P 1257.5

D. M. Batchelder

No. 34.

U. States Consulate at.
Hakodadi Japan.
April 4th 1871

Mr. H. L. Rice
Attv for L. L. Rice
Hakodadi.

Sir!

It is my duty to communicate the fact to you, that there is an action brought by the Government of the U. States, against L. L. Rice, in the charge of embezzlement of Public Moneys. By Acts of Congress passed March 26th 1869 and June 29th 1870, for recovery of same to be, also charges of violation of Chap. 33. Vol. 4. Statutes at large. I notify you that you may be prepared with your defence, when summoned, by due process of this Consulate Court. At the same time no property of any character —— belonging to L. L. Rice, will be disposed off, or removed from where they now are.

I am. Sir
Very respectfully
signed A. B. Dunn
U S Consul.

Order of A. L. Dunn to
H. L. Rice not to sell
property of L. L. Rice
in Hakodadi

Filed Sept. 13th 1871.

(signed) L. L. McClung

Hakodadi April 4th 1871.

A. E. Dunn Esq
U. S. Consul
Hakodadi

Sir

I am in rect. of your letter of to-day's date, and that I may understand the same, I request the loan of the books containing Acts of Congress of March 26th 1869 and June 29th 1870 also Chapter 33. Vol. 4. Statutes at large.

I am, Sir
Respectfully
(signed) Nathan E. Rice
Attt for E. E. Rice

A true copy.
(signed) Nathan E. Rice

Letter of N. L. Rice
to A. L. Dunn

Filed Sept. 13th 1871.
(signed) L. L. McClung

4.) Copy of reply of N. R. Rice to W. Dunn's letter of April 4th 1871.

Hakodadi April 5th 1871.

A. B. Dunn Esq.
U. S. Consul
Hakodadi,

Sir,

In answer to your communication of the 4th Inst. I beg to state that I cannot appear in any such action as Attorney for R. R. Rice. My power of Attorney from R. R. Rice appertains exclusively to the right to transfer, lease or remove any and all property of W. Rice at this port. The family relation I bear to W. Rice places me in no other situation in this respect, than as though I was of another Nationality.

As for the latter part of your letter, I have observed the tenor of the same and shall govern myself accordingly.

I am Sir
Respectfully
(signed) Nathan R. Rice
Attt for R. R. Rice

A true copy
(signed) Nathan R. Rice

Nathan R. Rice to
A. G. Dunn Esq.

Filed Sept. 13th 1871.
(signed) G. R. McClung.

U. S. Consulate at
Hakodadi, Japan.
April 10th 1871.

Wm. N. R. Rice
Hakodadi.

Sir.

I find your note of this date upon my table, In reply I would say, Rent is not due, and no rent will be paid until matters now pending in this Consulate are settled, so soon as my family are well enough for me to proceed in these matters I will advise you.

I am Sir
Very respectfully
(signed) A. B. Dunn
U. S. Consul.

A. B. Dunn to N. P. Rice

Filed Sept 12th 1871
(Signed) B. P. Deslong.

Copy of answer of N. L. Rice to letter of W W Dunn dated April 10th 1871

Hakodadi April 10th 1871.

A. B. Dunn Esq.
U. S. Consul.

Sir,

Enclosed you will please find a bill for Two months rent of the house you are living in, for a part of which, I hold your due bill payable on the 10th April to-day. I am in rect of your letter of to-days date, and to what you allude by "matters now pending in this Consulate", I have no idea.

Your official letter of date of April 4th authorizes me to protest against any acts on your part which may deprive me as Attn for L. L. Rice of any monies or property which may be due me, and not recognizing your right to question my Father's official acts for which he is responsible only to the proper Department at Washington, I hereby do protest against any or all acts of yours which may interfere in any legal cause I may follow to protect property of said L. L. Rice and to obtain for any such a reasonable — price in the market.

I also notify you that the furniture in the house you occupy is the property of W. A. Housecal, & I have this day given him possession of the same in accordance with your notification to me of quittance dated February 3rd 1871, under B/Sale.

I am Sir

Respectfully
(signed) Nathan L. Rice
Attn for L. L. Rice

A true copy
(signed) Nathan L. Rice

O. L. Rice to A. C. Dunn
Reply about rent not
being due.

Filed Sept. 13th 1871.

(signed) C. L. Dedong.

U. States Consulate at.
Hakodadi Japan.
April 10th 1871

6.

Wm. N. R. Rice
Hakodadi;
Sir.

Your letter to hand, in reply I will say that a letter couched in such insulting language to me as "American Consul" shall receive the due and full force of the law, which I shall put into execution, just as soon as the health of my family will permit me to do so,

Respectfully
(signed) A. B. Dunn
U. S. Consul.

A. b. Dunn to H. L. Rice
about rent matter

Filed Sept. 13th 1875

(signed) b. L. De Long.

Personally appeared before me Nathan L. Rice
Acting U. S. Vice Consul for Hakodadi Japan
and the dependencies thereof, and upon being shown
copy in Letter Book of No 34 letter addressed to
N. L. Rice Attr for L. L. Rice bearing date of April
4th 1871 made oath that the interlineation in the
third line of said letter was not made by him,
and that he has a personal knowledge of the
late Consul's handwriting, and to the best of his
knowledge he would say that the said inter-
lineation was made by Mr. Dunn late U. S.
Consul at Hakodadi.

(signed) B. F. Littlefield

Sworn signed before me

(signed) Nathan L. Rice

Act'g. U. S. Vice Consul.

U. S. Consular Seal.

Affidavit of.
Mr. Littlefield

Filed Sept. 13th 1871.

(signed) B. L. Wedding.

Copy

No 4.

Only clean out the dirt that has been put in. I do not want the canal to be made any deeper than when first made.

Oct 7. 1870 E. E. Rice

Are in Japanese same as above, signed by E. E. Rice (4)

(In Japanese) Sugiura Gonbaeiemon

Witness

Higashiura Gonshirobutei

Gov't Interpreter.

Messrs Smart cleaning
out the canal in
front of Lot 6 & 7.

Filed Sept 8th 1911

Form No 100.

Hakodadi May 1869.

N. N. Rice Esqr
U. S. Consul at Hakodadi.

Sir,

The undersigned a citizen of the United States of America residing in Shanghai China temporally sojourning in Hakodadi having this day purchased the American built steamer "Peiho" of Shanghai of the burden of 530 tons, respectfully solicits the requisite sea letter and papers identifying the undersigned as the owner, and that will enable the said steamer to wear the flag of the United States of America. Said sea letter and papers will be required until such time as the said steamer may arive within the jurisdiction of a collector of the customs of the United States authorized to receive the same, and to issue in lieu thereof a new register or such papers granted by the laws of the United States to the owners of American vessels purchased in foreign countries by citizens of the United States of America.

Respectfully, Your obdt servant.
(Signed) J. M. Batchelder

A true copy
(signed) Nathan R. Rice.

Application of Mr. A. J.
Batchelder for a Sea
Letter for the Steamer
"Peiho"

Filed Sept. 14th 1871
(signed) D. R. McClung.

U. States Consular Court at Hakodate

Tuesday the 14th day of April 1871.

To Benjamin F. Littlefield. Constable of this Court

Nathan R. Rice of Hakodadi Commission Merchant was on the 10th day of April 1871 charged by this Court for Contempt as in summons. And the said Nathan R. Rice was by summons of this Court commanded to appear before the Court on Thursday the 13th April 1871 at 12 o'clock noon to answer to said charge and to be further dealt with according to law. And (as it now has been proven to this Court) that he the said Nathan R. Rice positively refuses to obey said summons, and he has not appeared according to the said summons. Therefore you are hereby commanded in the name of the President of the U. States to apprehend the said Nathan R. Rice and to bring him before this Court to answer to the said charge, and to be further dealt with according to law.

(signed) A. B. Dunn
U. S. Consul.

(L. S.)

Warrant for Arrest of
Nathan L. Rice

Filed Sept. 14th 1871

(signed) B. L. McClung

Statement of R. R. Rice about the transfer of the steamer "Peiho" and schooner "Independence" in 1869.

The statement of A. L. Dunn relative to fees received for transfer of same, is not true see Record Book of Quarterly Return of fees for quarter ending June 30th 1869.

Any other transactions with the owners of said vessels were purely of a mercantile and business character, I being at the time a merchant Consul, only having the same right to transact business that, Howell, Dunn, Gaertner and all other unsalaried Consuls have.

Previous to 1869 (July) I had many transactions of a business character with the parties named, also as well as with others at this port and elsewhere, but none since that date.

(signed) R. R. Rice.

Personally appeared the below named R. R. Rice and made oath that the foregoing by him signed is true in accordance with his best Knowledge and belief.

28/3 July 1871. No. 37.

(signed) Blaronsky

Russian Consular Seal.

Affidavit of L. L. Rice Esq.
relative to St. Pedro and
the schooner Independence

Filed Sept. 14th 1871

(signed) C. L. Wedding.

U. States Consulate.

Hakodadi, Japan May 3d 1871.

Messrs Fahr Boerne & Co
Yokohama

Gentlemen,

I beg to leave to inform you that the illegal charges made by late U.S. Consul Rice on the transfer of flag of the steamer "Peiho" and the schr. "Independence" at this port on or about 17th May 1869. to Mr. Fahr will be heard in this Cons. Court. Any information you can give gentlemen will be appreciated. Mr. Housseal at this place in your employ I would like you to have instructed to furnish me all the facts he has in the matter, without your instruction to him. I fear he will desire to keep back any facts he may know judging from his interview with Nathan R. Rice and other facts. Mr. Rice is now with him aiding in arranging his summer mansion he is building some 20 miles from Hakodadi and this to when serious charges are hanging over said Rice and a warrant now in the hands of my Constable for said Rice's arrest; this cannot but injure your house at this port. In writing this I do it with the kindest of feelings to Mr. Housseal and in justice to your firm. The amount paid on transfer of flag was on or about $1500 the correct charge being $30 which makes $1470 you may recover through this Cons. Court with interest.

Thanking you gentlemen for a very early reply as the matter is already in my court.

I have the honor to be, Sir.

Your very obedient servant.

(signed) R. B. Brunn

U. S. Consul.

Yokohama 6th June 1871

A. L. Dunn Esq.
U. S. Consul at Hakodadi

Sir,

We acknowledge receipt of your favor of May 3rd contents of which we have duly noted.

The transfer of the Perio and Independence has taken place, while our A. Fabre was in Hakodadi. but he being in Europe at present, we are sorry we cannot furnish you with any particulars about this transaction.

As for Mr. Bonseal, we shall not interfere with his private business, but we have no doubt that any information he may be able to give, he will let you know with pleasure.

We remain Sir
Yours obediently.
(signed) A. Fabre Bosca & Co

Letter of A. B. Dunn
to Fabre Boerne & Co
their answer.

Filed Sept. 14th 1871
(Signed) B. R. De Long

Memo from Diary of Blakiston Marr Esq Hakodadi regarding S. S. "Kanga no Kami" as requested by E. R. De Long Esq - Envoy Extr & Minister Plenipy for the United States holding a Court of Enquiry on board the S. S. Ariel at Hakodate.

1868.

July 26 Arrived from Sakata - Mr R. Walsh & Mr Mackie on board
" 26 Received first offer (from ultimate purchasers) of 4000 Pcs Copper.
" 28 1st Charter to Moshiro (Akita) effected.
" 29 Left for Moshiro.
Augt 1 Returned.
" 5 Received U. S. Consul on board and fired Salute for him.
" 7 2nd Charter effected.
" 12 Left for Nambu and put back.
" 13 Started again.
" 14 Returned.
" 20 Left for Nohitizo (Nambu)
" 24 Sold for Rios 67.500.
Sept 1 First payment received
" Left for Moshiro to get copper.
" 6 Returned from Moshiro with copper & lead.
" 10 Left for Moshio, but meeting a Junk with an official on board, turned her back.
" 11 Took copper into our Go-downs.
" 12 Transferred to Jap. Flag, and handed over. — Crew paid off.
" 14 Captain & Crew left the vessel.
Dec 8 Hakodadi evacuated by the Government officials and troops.

Hakodadi 14 Sept 1871

(Signed) Blakiston Marr Esq

Memoranda from
Journal of Blakiston
Mate ~~of~~.

Filed Sept. 14th 1871
(signed) B. F. Delong.

W. N. L. Rice
Acting Vice Consul for the
U. S. of America
at Hakodate
Japan.

Sir,

In regards to W. B. F. Littlefield U. S. Consular Constable at this Port; I have only drawn on the Dep.t of Treasury of the U. States, one month's Salary at the rate of $50.00 per month, for the month of March 1871. neglecting to draw for his salary for the month of February. In this Quarter ending June 30. 1871 If continued in service, he will be entitled to four months pay.

I am Sir
Very respectfully
(signed) A. C. Dunn
late U. S. Consul.

Hakodate Japan
May 27th 1871.

Littlefield's Affe for Salary as certified to by Mr Dunn.

Filed Sept. 19th 1871

(signed) E. G. De Long

Your Excellency, - since arrived here, examining the points of complaints, which has been stated before the last Consul of your respectable country, Mr Dunn, and the other cases, which cannot be decided in this place, - expressed desire to have above mentioned points stated on the paper. According to my promise of doing it, I have the honor to state them as follows.

As for a building and ground letter A, belonging to the temple Dsiogendsi, so, according to what is stated in the priests' petition, now at your Excellency's hands, in the line of different troubles, - the first is - that original building is no more existing: it was destroied without any permit; except rented ground, the portion of another was occupied, and on it builded the stable, without any notice. Above all, there have been committed unexpressible troubles to the priests. There was no — contract of renting till the present day, - there was only an intention to last for a short time; but, on the contrary to — expectation, monthes and years have been elapsing, without returning the property. Until the year of taeyo (1868) there was no written document for the rent. At that year, when arrived here Tokugawa's rebels, P. P. Rice had communicated with rebel — Nagai Genba, and by power of Nagai forced the priests, against their will, to conclud the document in writing. Having no chance to avoid, priests rented the ground for 15 years, with payment 50 nios per year; but I beg to call your attention to the point, that contract was written without their consent. Then, although from the part of priests the witness in writing is existing, but as, in according to above mentioned, they have the reason to be sorry for it; besides, as lately with offcir of our government was settled transaction about building and ground, - so I find the most proper, that both would be once returned to our government, and, if their is a want of renting them from now — to examine newly - not only place occupied by the stable, but all ground,

under the buildings, and make a newer contract.

As for the ground letter D, under dwelling of Vice-Consul — M. G. Rice, so, although no written document exists, — rent of it, $50, was paid every year till the 1869. Entirely not paid 100 $. Concerning this ground, as it also belongs to the temple Dsiogendsi, and - with condition of a short time — was lent to our Government, for want of yours, so I find the most proper, that this ground too would be returned, after which it may be rented by agreement with the priests.

Empty land letter C, lately under the government's buildings, was occupied at the year of taiyo (1868), at the time of Tokugawa's rebels living here, and why not returned — is not known at all. If even there would be written contract made with the rebel, - that is not reason of possession's right. So — this land must be returned and then, if wanted for the consulate of your respectable Government, 572 cyubo (6 feet square) of it will be rented, without any obstacle. As for a rent's price, — it will be settled according to general rules about consular ground's rent.

For the price of land on new ground of Bonaeyo, № 4th, was not paid since 1869 year. It is desired, that for the future would be ordered to pay without delay.

At the yesterday's meeting I stated that G. G. Rice does not pay according 3 presented documents. It is desired, that due sentence would be issued to induce him to pay.

It is desired to receive the knowledge — how is settled the case of vessel Kajalto about which from here was stated to the Department of Foreign Affairs.

Stating above mentioned points, I ask your — Excellency's wise discussing and judging of them, about which I have the honor to write you by this.

With humble respect,

(signed) Kaïtakou Son Hangwan,

Sugiyama Makoto.

Meïdzi, 4th year,
9th Month, 28 day.

To His Excellency,
Envoy Extraordinary and
Minister Plenipotentiary
of United States of America.
G. G. Delong.

Translated
(signed) A. Nicholay.

Consulate of the United States
Hakodadi Sept. 18th 1868.

Sir,

I beg to hand you enclosures "A" relative to requirements of this Consulate. "B" Copy of letter from Custom House relative to sale of Stmr. "Hanga no Kami" and "C" one half of Register (cancelled) of said Stmr. the other half will forward by another conveyance. I have the strongest assurances from the Government here that she will be used only for the purpose named.

I have the honor
to be, Sir
Your obdt. svt.

Consul.

To.
Hon. W. H. Seward.
Sec'y of State
Washington
D. C.

Letter of R. R. Rice to the Department of State advising it of the sale & transfer of St. Thomas no Maru

Filed Sept. 14 1871.

(Signed) C. R. De Long.

United States Consulate.
Nagasaki, March 24th 1868.

To
E. E. Rice Esq.
U. S. Consul. Hakodadi.

Sir,

I am instructed by our Minister Resident in Japan Genl. Van Valkenburg to send you the enclosed copies of a notice issued by him relative to the observance of a strict neutrality by citizens of the United States of America during the existing war in Japan between His Majesty the Mikado and the Tycoon.

I have the honor to be Sir
Your obdt svt.
(signed) D. L. Moore.
U. S. Vice Consul.

Legation of the United States in Japan.
Hiogo. Feb'y 9th 1868.

D. J. Moore Esq.
U. S. Vice Consul. Nagasaki.

Sir.

The Tycoon has abdicated his Castle at Osaca, his troops are dispersed and both Osaca and Hiogo are in possession of the troops of the Mikado's Government. War may occur at Nagasaki between the contending factions. In such case preserve a strict neutrality and at same time maintain the rights of our countrymen under the Treaties. You will in the transaction of business recognize the Government de facto that is such government as may be in possession and will carry on the business at the time × × × × × ×

I have the honor to be, Sir
Your obt servant.
(signed) R. B. Van Valkenburgh
Minister Resident.

Van Valkenburgh to Moore
& Moore to Rice forwarding
Neutrality Proclamations
& instructions.

Filed Sept. 15. 1871.

(Signed) S. Q. We dong.

U. States Consulate.
Hakodadi Apr. 16/68.

Sir

I have the honor to acknowledge the rect of your dispatch No 38 with enclosures.

Having received on the 1st inst. copy of the same from Mr Moore V. Consul at Nagasaki I at once gave the notice by fowarding each party with a copy.

Previous to the arrival of the Br. man of war "Icarus" there was much excitement and many fires set, and it is said at the instigation of the Government Officials. Two Yedo soldiers were taken in the act, and have committed suicide after implicating the Governor and Vice Governor who left for Yedo in the English sch= "Khankai". Dollars are worth only 2½ boos owing to the Governor's refusal to exchange for any one, although they have plenty of boos. — The V. Gov. took forty thousand with him. Apparently the officials are trying to see who can steal the most, and the sooner a change is made the better for all concerned. I presume that all contracts made by or with the Tycoon Government previous to the rect of your notice will be binding on the next, whoever they may be.

I have the honor to be
&c &c.
(signed) R. R. Rice
Consul.

To
Genl R. B. Van Valkenburgh.
U. S. Minister Resident
Yedo.

Letter of R. L. Rice
to Minister Van Valkenburgh
acknowledging the receipt
of Letter of Instructions
on Neutrality Proclamation.

Filed Sept. 15th 1871

(signed) B. L. De Long

The steamer "Kanga no Kana" arrived in port from Neegata July 24th 1868. I was called upon by the Captain and Agent who stated that the steamer was for sale, and asked if I would assist them as they were anxious to dispose of her as soon as possible That she cost about Twenty Seven Thousand Dollars that they could and offered to pay liberally by way of commissions and for any assistance of mine, 5% commission would be willingly paid when the sale was effected. The steamer left and returned August 18, and again August 20 again August 26, and put back Sept. 7th having picked up a Junk and towed her into port. On her last return, she was sold. Previous to the last date and from the time she was put into my hands — I had employed three Brokers, and had been constantly at work effecting a sale and bargain with the officers of the Prince of Khugaro, for the steamer, for mex. 90.000 dollars. During this time the Government had been changed and Governor Hasideh learning of this contemplated sale of the Steamer to a Prince of — doubtful loyalty, forbade the Prince's Agents to —— purchase her and to make it sure, ordered the — officers of Akita to buy her, which they did, and in the night when she was transferred all the then — Govt. Officials ran away in her, and two days after, the Tokugawa Govt. under Enomoto Kamagio took possession of Hakodadi.

Neither Capt. Brown or the Agents, at that or any other time objected to pay any commissions but on the contrary repeatedly said I had clearly earned them, for had it not been for the fear that the steamer would become the property of the

Prince of Bhugan, then an enemy. Akita would not have bought her.

I refused to turn over the said steamer solely for the reason that Blakiston and Mackie refused Dunn his commissions on Charters effected with Akita officers, and at the request of said Dunn and Captain Brown, who said that he (Brown) had pledged his word and honor that it should be paid.

My commissions had previously been paid me without one word of objection. Mann asked me to take his I.O.U. for 30 days, but I declined, because the money had already been paid him by the Japanese and a part of the money paid for the steamer was the identical money intended to be paid me by the Prince of Bhugan's officers, but but forced from them by the then Kanguen Government here for the first time.

The delay of transfer was caused by an attempt on the part of parties who were not on friendly terms with him, to deprive him of his commissions.

(signed) R. R. Rice

S. S. Ariel

Hakodadi, Japan Sept. 15th 1871

Jes. R. R. Rice upon being first duly sworn by me deposes and says that he has read the foregoing affidavit and knows the contents thereof to be true.

(Signed) B. R. De Long.

Envoy Extraordinary and
Minister Plenipotentiary of the
United States of America in Japan.

To furnishing food to Khuiamen

Rios 935. Boos 3. cash 204.2.

Received from Mr. Rice

Rios 25

910. Boos 3. cash 204.2

Balance which will we going to receive.

Received above mentioned

10 month (Mama)

(signed) Kaitakushi

at

Ha-Kodadi

Seal.

Receipt for monies for
boarding Bayalti Coolies

Filed Sept. 15' 1871.
(signed) C. L. De Long.

Received Hakodadi November 5th 1870, from
R. R. Rice, Esqr. a draft dated Nov. 25th 1869. from
the Bank of California on the Oriental Bank —
Yokohama, for Twelve Hundred and Fifty —
Seven Dollars it being the nett proceeds of coins
taken from the Chinese Coolie passengers of the
"Bayalti". Said amount to be credited on my account
for advances made for transporting the passengers
to # Shanghai, and paying the Japanese Government
their claim against the "Bayalti" Chinese Coolie
Passengers.

(signed) J. M. Batchelder.

$ 1257

Receipt of J. M. Batchelder
for $1257.00 received from
Cayalti.

Filed Sept 15: 1871.
(signed) B. R. De Long.

At 11 o'clock A.M. chief-priest of Dsiogendsi came to my house and expressed himself, as follows:—

The matter is about word:- muri (mai 無 means no, ri 理 reason, - literally: without the reason; but — Japanese use it in the meaning: violently). I am going to explain you, if I used the word about Nagai Samba, in concerning written document on the ground, rented to Mr. Rice. No. I did not. I cannot express myself in such a style about my government. — Nagai Samba at the time was Governor of Hakodadi, and there is no way for a Japanese to express himself so insolently about his chiefs — even part. I rather style a behaviour of Nagai in matter on the stage by word: sikkai (si - the same as before; Kai 解 explain; sikkai means persuade, induce). Yes. He did not violently forced the temple to make contract with Mr. Rice, but he induced to do that. I will tell you the way. On the first proposition to make a contract, we all, of course, explained, that we do not wish, — that is was always our greatest desire to receive back our ground, because we really want it for the use of temple, that we many times asked government to do this favour. To our reasons officials of Nagai answered, that "it is no "possibility to satisfy us; if property of Mr. Rice would "me moveable, so — could be easy to remove it; but "the house is not easily to be removed, so more that "Mr. Rice is against it. What can be done? To use "the force? — that is - to get in many difficultys, wich "will embarrass the Government. Lay down the "matter as it was till now, without concluding "written contract? — Mr Rice says, he will not pay "the rent. So only one way: — to make contract for "a short time and rely upon the lucky circumstances

"in future." — In such a way officials of Nagaï had persuaded us; but nevertheless we insisted upon clearing our ground and declined concluding the written contract. Seeing that, officials strongly (Kibisiaw) told us, that "if we will not give our consent, so our ground will "be confiscated and rented to Mr. Rice by government" Just before all this transactions, Government, without any previous intercourse with Temple, confiscated a price of ground by the side of house, now occupied by family of Mr. Rice; this price, added to another, belonging to government, was rented to Mr. Rice. Now we consulted with each other and came to such point of view, nothing more but very clear: — "do not make the contract, means — to lose our "ground forever; to make the contract, — means — "inconveniences as before, but — chance sooner or "later — to get out of them and return our ground "for the use of temple." We preferred the last: All above stated - from the part of Nagaï — I call rikaï, but not mauri; — I cannot so express myself about high persons.

(signed) A. Nicolas

15th Sept. 1871.

Odanosawa
Namboo. Japan
April 9th. 1864.

To.
R. R. Rice Esq. U. S. Consul
Hakodate. Japan.

Sir

On the night of the 3rd inst. the bark "Canton Packet" of New Bedford went on shore at this place and went to pieces and is a total wreck, with the loss of five of the crew.

This is to notify you that I hereby abandon said ship and all thereto belonging.

(signed) W. R. Fraser
Master Bark "Canton Packet"

Rice

vs.

Dunn.

Filed Dec. 11th 1871

(signed) B. L. De Long.

Nambeau, April 9th 1864.

R. R. Rice Esqr
U. S. Consul at Hakodate,

Sir,

The Bark "Canton Packet" of New Bedford was wrecked on the 3rd of April. The ship and cargo is a total loss and I hereby — abandon said Bark according to the laws in such cases made and provided.

We are here thirty two in number. Please to furnish us with transportation to Hakodate &c:

Respectfully yours
(signed) D. R. Fraser
Master Bark "Canton Packet"

Rice

vs.

Dunn.

Filed Dec. 11th 1867.

(signed) B. R. De Long.

Consulate of the U. S. of America at Hakodadi, Japan.

On this 17th day of April in the year of our Lord eighteen hundred and sixty seven before me R. R. Rice Esq. Consul of the United States of America for Hakodadi, personally appeared D. R. Fraser, Master of the ship or vessel called the 'Canton Packet' of New Bedford, of the burden of 272 Tons, or thereabouts, and declared that on the 4th day of January last past, he sailed in, and with the said ship from Honolulu S. I. laden with whaling gear and outfits and arrived in the said ship at or off the coast of Namboo, Japan on the 3rd day of April (inst.) during a violent N. E. snow and rain storm and at about 12 o'clock night she was driven on shore and that ship and contents became a total loss, and before reaching the shore James Fairbanks, Carpenter, and four Kanaka sailors perished from exposure, hereby enters this note of protest accordingly, to serve and avail him hereafter, if found necessary.

(Signed) D. R. Fraser.
Master.

Attested

(signed) R. R. Rice
United States Consul

Rice

v.

Dunn

Filed Dec 11th 1871.

(signed) B. P. De Long.

U. S. Consulate
Hakodadi, July 13th 1869.

I the undersigned have this day made an ——— arrangement with Thomas Blakiston Esqr. to convey to this port any or all of the property of the wrecked American Whaling bark "Canton Packet", that upon inspection he deems valuable, the same now in store on the coast of Nambu. His compensation for said delivery is to be thirty (30 %) per cent. upon the net proceeds of the same.

Witness my hand, and seal of this Consulate the day and year above written

Consul.

Rice

vs.

Dunn

Filed Dec. 11th 1871

(signed) B. L. De Long.

To

Capt. W. Scott

Capt. Wm. Chauncey

Mr Geo. R. Rice,

Gentlemen.

You are requested and appointed to examine and appraise all sails rigging, and other articles saved from the wrecked Whaling Bark "Canton Packet" now lying in the Godowns of Messrs Blakiston, Maw & Co and report what disposition in your opinion should be made with them.

I have the honor to be

Gentlemen

Your obedient servant

(Signed) R. R. Rice

U. S. Consul.

Seal

U. S. Consulate.

Hakodadi, August 14th 1869

Rice

vs,

Dunn.

Filed Dec 11th 1871

(Signed) B. F. De Long.

3.

To.
Capt. David Scott,
Capt. M. Chauncey,
Mr. Geo. F. Rice,

Gentlemen/

You are requested and appointed to examine and appraise all sails rigging and other articles saved from the wrecked Whaling Bark "Canton Packet", now lying in the go-downs of Messrs. Blakiston, Maar & Co; and report what disposition in your opinion should be made with them.

I have the honor to be
Gentlemen.
Your obedient servant.
(signed) F. F. Rice
U. S. Consul.

U. S. Consulate.
Hakodadi August 17th 1869.

Pursuant to the foregoing order, the undersigned proceede
examine, and to appraise the following named goods acc
to the schedule annexed. viz: —.

1	Spanker, Flax canvas	No. 3 Manilla rope new.	$ 45.
1	Jib	" " " "	35.
1	Main Top gallant sail,	" " "	30.
1	Fore Top stay sail	No 0 "	20
1	Main Top " "	No 2 Hemp rope "	50
1	Fore Sail	No 1 " "	70
1	Top Sail	" Manilla rope much damaged	30
1	Main Top Sail	" " " new.	80
11	bails Manilla cordage new 1100 lbs @ 12 cts		132
1	Topsail sheet 8 fathoms. Lot spare chain 13½ fathoms		10
	Lot of blocks, old tools, bolts &c		10.
	" old Iron Hatch bars 9 pcs.		5.
	" spaples and harpoons "		5
1	Copper Tank.		15.
2	Boxes. preserved meats.		3.
1	Barrel Flour (part gone)		1.
30	Bars - 18 feet; 5 sweeps 24 feet.		40.
1	Chest Cooper's tools		5
21	Tubs Sperm Oil each 15 galls. 315 galls. @ 1 00/100		315.
1	Boat sail and yard.		2.
2	Buckets		1.
1	bal. rivets		1.
2	Compasses.		5

It is our opinion that the before mentioned articles
be sold as soon as possible for the benefit of whom
it may concern

Received $ 5 00/100

David Scott (Signed) M. Chauncey.
M. Chauncey. — " — Geo. R. Rice
Geo. R. Rice — " — David Scott.

Cash brought at Auction.

1869.

Augt 30.	1	Main Topsail	$74 -
" "	1	Spanker	32 -
" "	1	Jib	35 -
" "	1	Main Topgallant sail	26 -
" "	1	Fore Topmast staysail	15 -
" "	1	Fore sail	66 -
" "	1	Main Topmast staysail	39 -
" "	1	Cask sperm oil	7 50.
			$294.50.

Rec'd Payment.

Hakadadi

(signed) Rice Brothers.

Auctioneers

Account Sales. at Auction held Augt 30th 1869.
by order of R. R. Rice Esq. U.S. Consul.

1 New Spanker Flax canvass		Manilla Rope		$ 32	-
1 " Jib	"	"	"	35	-
1 " M. Topgt sail	"	"	"	26	-
1 " Fore Stay —	"	"	"	15	-
1 " Main —	"	Hemp	"	39	-
1 " Fore Sail	"	"	"	66	-
1 Worn Top —	"	"	"	32	-
1 New Main Top Sail	"	Manilla	"	74	-
11 bales Manilla bandage @ 11 50				126	50
1 Topsail Sheet, 2 spare chains — 2				12	-
2 Blocks, bolts & Cooper's tools				9	-
" Iron Hatch bars 9 pcs. Spades & Harpoons 9 pcs				7	-
1 Copper Tank 11 50 2 Boxes preserved Meats 15 50				27	-
1 Barrel Flour 2.— 1 Chest Cooper's tools 2.—				4	-
30 Bars 18 ft 30.. 5 Sweeps 24 ft 5.—				35	-
21 Tubs Sperm Oil @ per tub 7 50				157	50
1 Boat sail & yard 2.— 2 Buckets 1 50				3	75
1 Bal. nails 1.— 2 Compasses 5.—				6	-
			$	706	75.

Charges.

Advertising	$ 3. —	
Commission 5%	35. 33	38 33
Net proceeds.	$	668 42.

Hakodadi Augt 30th 1869.
(Signed) Rice Brothers
Auctioneers

R & D. R.

Rice

vs.

Dunn

Filed Dec. 11th. 1871.

(signed) B.F. De Long

Hakodadi 2nd Sept 1869.

Received from E. E. Rice Esq. U. S. Consul, the sum of ($200 52) Two hundred and fifty two mexican dollars and fifty two cents, being the amount agreed to be paid as Freight on net proceeds of sundries from the wreck of the "Canton Packet" delivered up to 30th ult.

(Signed) Blakiston Major

$200 52

Rice

vs.

Dunn.

Filed Dec. 11th 1871

(Signed) B. F. De Long.

Copy of a written paper given by Nambu Officer.

I am instructed from Nambu, as follows: —
There are Kept in cottages on strand of Mayebarra at the village of Odonosawa in the Nambu dominion the boards, planks and other goods belonging to an — American Whaling vessel, which on the 9th Japanese month in last year wrecked near the said village, while at that time it has been in promise that the goods all shall be deposited in the cottages until taking them to Hakodate on arrival there of a vessel for that purpose. In meanwhile, on complaint of the village people, that the roofs of the two cottages there were blown away by very strong West wind on the 17th of last month, a official instructed for inspicting the damages has proved the truth and these are restored now.

In night the wild beasts go in and out the cottages, trough under the foundation of the cottages digging a hole in the said ground, it is believed to be the consequence that the cottages Keep some stinking goods with the other together. Thus the official at the village who has to visit the cottages every morning, has given a means of protecting them from the injury, but the cottages are far from the village and nearest the mountain and woods. The village people are anxious about difficulties which hereafter may occur. Thus they claim for taking away the above said goods to Hakodate soon possible, if in delay more, the should have much trouble. Thus I request herewith you will be Kind enough to explain the above condition to U. S. Consul so that he will have a steps to take the goods very soon to Hakodate.

With respect etc.

(Signed) Hookda Kinzemon

The 2nd fourth month. Officer of Nambu.

8

Do.

R. R. Rice Esqr.

U. S. Consul.

I beg forthwith to address you, that on the middle of the second month of last year the boards, planks and other goods, belonging to the American whaler ——— "Kantonpacket" wrecked near the strand of Mayebama on the village of Odanosawa in Nambu dominion ——— have been Kept in the cottages there; since, I have often referred you to take the said goods to this port of Hakodate, but you give me no answer till now. In the meanwhile the officer of Nambu has forwarded lately me a written paper relative to the matter, a copy of which I beg herewith to forward you. Thus I request you will be good enough to take steps for employing a vessel to take the above said goods here and for paying the expenses, and by this means to make the peoples of the village be free from any difficulties. Further I request you will take in consideration that the said place is so uneasy and unhappy as I have said before, and you will be kind to explain me your opinion in reply for this matter

With respect and consideration

(Signed) Shigenaka Nagonakami

Governor of Hakodate.

The 26th of the second 4th month in the 4th year of Keitats.

Rice.

vs.

Dunn

Filed Dec 11th 1871.

(Signed) B.L De Long.

80. Received from R. R. Rice Esquire U. S. Consul the sum of 12 Rios 3 Itchiboos 2 quarters and 262 cash for expence in going to American Whale-ships "Canton Packet" wrecked on the east shore of Niamboo, and bringing the crew of thirty-two men to this port.

26th of 3rd month.

Custom House
at Hakodate

0-2 Received the sum of 25 Rios from L. L. Rice
U. S. Consul for advance expenses for the sailors
of "Canton Packet"

Custom House
at Hakodate.

26th of 3rd Month.

with 1 inclosure.

Rice

v.

Dunn

Filed Dec. 11th 1871

(signed) B. L. De Long.

13th July 1869

Dear Mr. Rice,

When I left you just now I forgot to get from you the order to bring what I can from the wreck of the "Canton Packet" for which on delivery here you would pay me 30% of the value in the event of our coming to no other arrangements. Would you therefore please let me have the same in proper form and stamped with the Consular Seal, so as to avoid any trouble in the event of your absence

Yours faithfully
(signed) Thos. Blakiston.

Rice

vs.

Dunn

Filed Dec. 11th 1871.

(signed) B. F. De Long.

U. S. Consulate
Hakodadi 1st July 1867

Sir,

I have the honor to inform you that I have this day put on board the U. S. "Shenandoah" now here, six (6) the last of the crew belonging to the wrecked barque "Canton Packet" and I can assure you that I feel greatly relieved and I trust that a similar misfortune may never occur within my consular district.

The expense has been much less than it would have been only two fortunate circumstances. first while at the wreck a cask of the Ship's Clothing fortunately came on shore and I divided among the crew as far as it would go who were nearly naked, having lost nearly everything during the night of the 3rd April after the ship struck. Secondly notwithstanding Whaler had obtained at the Ladrone Islands full crew and some had several more stowaways by appealing to their good feelings as Americans and the indebtedness of our country nearly all took one or more on board. Others I got shipped on merchant vessels to the number of twenty one (21) five I sent to Yokohama and paid their passage - Ten dollars each and the remainder Six (6) as above stated.

Inclosure marked A is my Ac for disbursements on their Ac which I hope will be satisfactory and paid without delay, not having funds belonging to Government it has caused me much trouble to meet the unusual outlay. My acs vouchers &c I believe to be correct in every particular and I beg that my drafts will be promptly paid as a suspended ac at this great distance would be ruinous to me

(Over

On the 18th May I drew on your Excellency for $1000 after advice I have this day drawn for $800 — leaving a balance due me of $408.83 until my A/c is settled by the Auditor.

Enclosure marked B is my a/c for office rent allowed by your circular No 62 for which I have this day drawn.

Enclosure marked C a return of arrivals and departures of shipping for the quarter ending June 30th

I have the honor to be

Sir.

Your obdt Servt

(signed) R. R. Rice

Consul

To

Secty State &c.

U. S. Consulate

Hakodadi Japan.

I hereby certify the foregoing to be a true and correct copy of the original dispatch sent by me and recorded in this consulate.

(signed) R. R. Rice

U. S. Consul.

Hakodadi Japan.

Sept. 15th 1871.

United States Commercial Agency
Hakodadi July 30. 1860

At a Consular Court held this day, C. A. Fletcher was tried for smuggling, charges having been preferred against him by the Government of Hakodadi.

R. R. Rice Esq. Presided. — Several Japanese officials were present; also a few resident foreigners.

The Court met at about 12 o'clock Noon.

The charge was read, and Prisoner asked whether he was or was not guilty.

C. A. Fletcher, Defendant: arose and pleaded "Not guilty".

Quaker; a Japanese Custom House Officer was then called, and deposed; — "Whilst on duty yesterday I saw something shipped on board of a boat from Capt. Fletcher's store house. I reported it at once to the Custom House. The boat went in the direction of the English ship now lying in port. I was sent in pursuit of this boat, I went to the British Ship."

By the Court. "Did you see any Copper Cash shipped on board of her"?

Answer by witness. "No, I did not see any put on board of the ship."

Imetahansero, called: — I saw some articles shipped yesterday without a permit. I was sent with three other men to pursue the boat in which the articles were shipped. We could not catch the boat, but hired a Japanese boat and followed; after a while Capt. Fletcher passed us in another boat, his boats were faster than ours, so that he got alongside of the British ship first, I saw him go on board of the ship; I saw some one from the ship throw a rope to his boat — a few minutes after he got on board of the ship the boat with the Copper Cash went away

(from

from the ship; we pursued her and soon overtook her. We took from her, Three bags of Copper Cash as proof or witness against Capt. Fletcher. - When he delivered the three bags I was satisfied. Capt. Fletcher then went in the direction of Kameda. He said the cash was for Kameda and not for the ship. I then went to Custom House.

By the Court. "What did you do next?

Witness. Ans. "By order of officers I went in direction of Kameda and took the rest of the Cash from Capt Fletcher's boat."

By the Court. "What did you do with them?

Witness. Ans. I put them into my boat and delivered them to the Custom House, with the sailor who was in Capt. Fletcher's boat.

By Capt. B. A. Fletcher. Question. "Was my boat fast to the ship before I got there?

Witness. Ans. Yes.

By B. A. Fletcher "Did the boat leave immediately after my arrival alongside the ship?

Witness. Ans. Yes, or in a very few minutes.

By B. A. Fletcher "Did you see any Copper Cash put out of the boat on board of the ship?

Witness. Ans. "No, I did not."

By B. A. Fletcher "After you had overtaken my boat and had taken the three bags from her, did I not tell you to put an officer on board of my boat and go to Kameda in her?"

Witness. Ans. Yes, you asked to have an officer put in your boat.

By B. A. Fletcher How many bags did you take from my boat?

Witness Ans. "Three Bags."

Kondoyadjeh, called: "Yesterday I was at the Goyoshio; by order, I was one of three men sent to seize articles in Capt. Fletcher's boat. We pursued the boat in a Japanese Boat. She got alongside the British ship first, as did Capt Fletcher, also, in a white boat. I saw ropes thrown from the ship to the boat that had the cash; a little while after Capt. Fletcher went on board of the ship, his boat went in direction of Kameda. We took the boat and took from her three bags of copper cash, which we carried to the Custom House; Afterwards we went in the direction of Kameda to Fletcher's boat - found one sailor there - We took the rest of the cash and the sailor from the boat and carried him and it to the Custom House.

By W. Fletcher. "Did you see any cash go on board of the Ship?

Witness. Ans. "No. I saw none put on board, but as I approached the ship I saw ropes thrown from her to the boat.

By Capt. Fletcher "When you came alongside of my boat how much cash did you seize?"

Witness. Ans. "We took three bags of cash."

By Capt. Fletcher. "I asked, did I not, for an officer to accompany me to Kameda?"

Witness. Ans. "No, I did not understand it so, - I understood only the word "Kameda".

By Capt. Fletcher. "Who was left in charge of my boat after all the cash was taken?

Witness. Ans. "Nobody."

By Capt. Fletcher. "Was I in the boat with the cash when she went alongside of the ship?

Witness. Ans. "You were not in that boat; the boat you were in was a white boat"

By Capt. Fletcher." Did I have any cash at all in the boat

that I was in?

Witness. Ans. "No. I think not."

Stone called. - said: - "I was one of three men sent yesterday to pursue Capt. Fletcher's boat."
(This witness simply corroborated the testimony of those who preceded him.)

Yaske. called. - "I am a sailor in Capt. Fletcher's employ, I was at his Store house yesterday and prepared his boat to take the Copper Cash."

By the Court: "To go where?"

Witness. Ans. "To the big ship - We went alongside of her, when the Chinaman who had charge of the boat went on board, - two ropes had been given to me from the ship - The Chinaman came down in the boat again in a few minutes - We let go the ropes and went away with the boat - We then saw Officers coming after our boat; they overtook us and took from us three bags of Cash, then went in the direction of the Custom House. Capt. Fletcher then got on board of our boat, and went in the direction of Kameda. We got the boat aground and made her fast to a stake. About five o'clock some officers came and seized all the Cash and took it and myself to the Custom House."

By C. A. Fletcher. "Did the officers order you to go with them?"

Witness. Ans. "Yes, I was ordered to go with them."

By Capt. Fletcher. "Did I tell you to prepare the boat to go to the Big ship?

Witness. Ans. "No; John the Chinaman told me to prepare the boat."

W. C. H. Smith. called -

By the Court. "W. Smith you will please say what you heard Capt. Fletcher say to his man John yesterday."

Witness. said: — "I was down at the wharf yesterday and heard Capt. Fletcher tell John to go along to the Water Frontage and wait there. — I was much surprized a few minutes afterward to see him leave in the boat, not going any where near the Water Frontage at all. That was all I heard or saw in reference to that matter."

Jahkahmus. called: — "I was on board of the British ship yesterday — stationed there to keep watch — While there, the Chinaman John came alongside in Capt. Fletcher's boat, loaded with copper cash. John came on board and talked a little while — The ship's men threw ropes to the boat, and made preparations to take on board the cash apparently, as they took off the Ship's hatches. Capt. Fletcher then came alongside in a white boat — he came on board and talked a little while, — then apparently told the boat to go away — the boat went away from the ship, and was soon afterwards caught by some officers, who took some of the bags of cash out of her."

By Capt Fletcher. — "Was I in the boat that brought alongside of the ship the cash?

Witness. Ans. "No".

By the Court. "Who was in the boat that came alongside the ship first?

Witness. Ans. "John the Chinaman; and three Japanese men."

By Capt Fletcher "Was any cash put on board of the ship?"

Witness. Ans. "They attempted to put cash on board."

By Capt. Fletcher "How attempted to put on board? Did they lift up any bags?"

Witness. Ans. "They prepared ropes, and took off the ship's hatches."

Capt. C. A. Fletcher, here arose and said: — "That as to the cash found in his boat yesterday, it had been stored in my store house, and was put on board of my boat, for the purpose of taking it to Kameda; a letter was written to Capt. W. Wilkie, before the cash was put into the boat, directing him to receive the Cash at Kameda, The Chinaman was not ordered to go to the ship, W. Smith heard the order which I gave to the Chinaman — I went up to my house, upon reaching which I saw my boat going out towards the ship; I hurried down to the wharf, and got a boat and followed her. — I got alongside of the ship soon after my boat, and ordered the Chinaman to go to Kameda. He started but was overtaken by some Japanese officers in a boat; they seized three bags of the copper cash and took them in their boat. I asked the officer "Stone" to put an officer on board of my boat; no officer came on board. I went with Kameda with my boat, she grounded, & the water still falling, I left her in charge of one of my men. Four hours afterwards I went to Kameda myself, and saw a Japanese boat go alongside of my boat and take the Cash away. I think W. Wilkie can produce the letter written to him in reference to these cash, but he is not in the Court"

The Court summed up the evidence and said: —

"It had been clearly shown that Capt. Fletcher's servants intended to ship the copper cash on board of the ship now lying in this port. The laws of our Country hold a Master responsible for the acts of his servants, so far as business trans-actions are concerned, therefore he regarded

"the act of Capt. Fletchers' servants in this case, as the act of Capt. Fletcher himself. Our treaty says that goods attempted to be smuggled with intent to defraud the Japanese Government from revenues, shall be subject to seizure and forfeiture. The goods in this case were being smuggled — were seized by Japanese offcirs and my — decision is that the Cash seized are wholly forfeited to the Government of Hakodadi. The act of the officials in taking the Coolie from the boat, whilst in charge of her, was decidedly wrong, unless replaced by a competent man; The proper way would have been to have taken the Boat, man and all to the Custom House.

The Court was brought to a close, copies of its — proceedings are to be placed in the hands of the — Japanese authorities to-morrow.

(signed) W. R. Pitts
Clerk

Rice

vs.

Dunn

Filed Dec. 11th 1871

(signed) B. F. De[illegible]

United States Legation
Yedo. August 13th 1860.

Sir,

I am in receipt of your letter of the 5th Instant, in which you inform me, that the Governor of — Hakodate, had directed the Japanese Merchants, at that place, to take Mexican dollars, at two and one half Itzebues each.

You further inform me, that the day after this order was issued, the Japanese merchants refused to take any Foreign money.

I have addressed a letter to the Ministers for Foreign Affairs on this subject, and showed them, that the act complained of, is a manifest violation of the first clause of the fifth article of the Treaty of Yedo.

I have carefully perused the copy of the record in the case of the Japanese Government vs. C. A. Fletcher, charged with an attempt to smuggle copper coin, which transcript you transmitted with your letter above referred to.

I am of opinion, that your judgement was a very proper one, and that the evidence offered, fully sustained the charge. I regret these violations of our Treaty by American Citizens, and trust that the example made in this case, may serve to check —— similar acts in future.

I hand you herewith copy of my No 99. dated August 6th 1860.

I am Sir

Your obedient servant:

(signed) Townsend Harris.

A true copy
(signed) H. D. Heusken.

Copy.

U. S. Legation
Yedo, August 6th 1860.

Sir,

By a clause in a Treaty of Amity and Commerce between Portugal and Japan, it is provided that a duty of five per cent shall be charged on all Linen goods, imported into this country.

The Treaty goes into effect on the first day of October next, and the duty on Linen goods above referred to, will be levied on and after that day.

I am Sir
Your obedient servant.
(signed) Townsend Harris.

A true copy.
(signed) H. D. Heuskien

W. A. A. Rice
U. S. Commercial Agent.
Hakodadi.

Copy.

3.

Legation of the United States
Yedo, August 20. 1860.

Sir.

I transmit you herewith copy of my No 108 dated August 13th, which was sent to you by the overland mail

I am Sir.

Your obedient servant
(signed) Townsend Harris

W. Q. Q. Rice
U. S. Commercial Agent
Hako-dade.

Rice

vs.

Dunn

Filed Dec. 21st 1871

(signed) B. L. McClung.

Hakodadi, February 28th 1865.

Genl. Robt. H. Pruyn
U. S. Minister resident, Yedo.

Sir,

Circumstances occurring which prevent me from visiting Yokohama at this time, Joseph Goskevitch Esq. having kindly offered his services is authorised to represent me in the settlement of my claims against the Japanese Government by Your Excellency.

Trusting that you will have little or no difficulty in collecting my claims which should have been paid longsince

I have the honor to be.

Sir

Very respectfully.

Your ob't servant.

(signed) R. R. Rice

Rice

vs.

Dunn.

Filed Dec. 11th 1871.

(signed) B. L. De Long.

On the reverse of original here corresponding to this page is a copy of the same in the native Japanese writing with name and seal at the end as below

(Signature here)

(Copy)

Agreement between the priests of Jonquerz and R. R. Rice.

It is agreed between R. R. Rice and the head priest of Jonquerz Temple to rent the lot of land now occupied by said Rice for a term of fifteen years— to be held by ~~the~~ heirs executors or assigns of the said R. R. Rice for fifteen years from first January 1869 and to be extended if required

For the rent of said land a sum of say Fifty (50) Rias per year payment shall be made until reduced by the Government to a fair rental all the buildings thereon being the property of said Rice may be repented or otherwise disposed of as he may see fit.

Hakodadi January 18th 1869.

Witness to Signature of
(Sgd) Geo. R. Rice (Seal) (sgd) R. R. Rice

Ex. No.

Rice

vs.

Dunn.

Filed Dec. 11th 1871.

(signed) B. F. de Long.

Copy of Lease of
Temple Ground.

Hakodate February 24th 1866

Sir.

In reply to your dispatch No 20, I beg to enclose my affidavit distinctly denying that I ever made the statement that Mr Rice wrote to Mr Portman.

During the first trial of Kenish Jone and Whitely, there were numberless reports respecting every one here and many elsewhere. I may have — repeated a report that I heard, viz: that Sir Harry Parkes had long ago expressed a wish to obtain an Aino's skull, but I do not remember doing so. Such reports were mentioned by every one and I cannot recall from whom I first heard it, but that I ever told Mr. Rice that Sir Harry Parkes asked for and obtained two, is simply untrue.

I have had a very long and disagreable private correspondence with Mr Rice on this subject in which he is over and over convicted, either of the most unfortunate misunderstanding or of the most wilful falsehoods, which I retain in the event of Sir Harry Parkes requesting to see.

I have &c

(signed) Alfred Howell.

No.

Capt. F. Howard Vyse.
H. B. M's Consul
Hakodate.

True copy.
(signed) F. Howard Vyse.

With reference to the Dispatch No 20 of Capt. Vyse H. B. M's Consul, Hakodadi, covering one from Sir Harry Parkes H. B. M. Minister in Japan in which it is stated that Mr. Rice, Commercial Agent for the United States at this port, wrote to Mr. Portman, U. S. Chargé d'Affaires at Yokohama, stating that I informed Mr. Rice that 2 Ainos skulls that had been brought to Hakodadi in July last, were given to Sir Harry Parkes at his request,

I do hereby swear that I never did so state to Mr. Rice, that Sir Harry Parkes never mentioned or in any way alluded to Aino skulls during his stay here, never either directly or indirectly asked for, or hinted at obtaining any - that I Knew, I may say for a certainty that he did take none by the Princess Royal and further that I never heard any report that he had done so, until the arrival of H. I. R. M. S. "Variac" with his dispatch on the subject.

(signed) Alfred Howell.

Hakodadi
Feb. 26th/66

Sworn to me in my presence this Twenty Sixth day of February in the year of our Lord, one thousand eight hundred and sixty six.

(signed) J. H. Vyse.
H. B. M's Consul.

True copy.
(signed) J. Howard Vyse.

British Consulate Hakodate
February 28th 1866.

Sir,

I have the honor of forwarding copy of a letter and affidavit drawn up by W. Howell in favour of Her Majesty's Minister in Japan, for your information and should you feel disposed to make any reply to the same, I shall feel happy to be placed in possession of anything you may chose to communicate.

I have the honor to be
Sir
Your most obedient
humble servant
(Signed) J. Howard Vyse.
H. B. M's Consul.

To
R. R. Rice Esq.
U. S. Consul.

Howell's affidavit
relative to Skulls.

Ex. Exs.

Filed Dec. 11th 1871.

(signed) B. F. DeLong.

Hakodadi 9th September 1871

Sir,

Colonel Dunn late U. S. Consul at this Port has shewn me copy of a despatch from Wm E. E. Rice U. S. Consul dated Washington February 3rd 1871 addressed to the Honorable Hamilton Fish. In this despatch, are contained charges against me of an extraordinary kind which I have the honor to request Your Excellency to enquire into as they involve the gravest charges against my honor and personal character.

I therefore beg to request that Your Excellency will be pleased to grant me a copy of this despatch in order that I may reply to the implications deviations.

I beg your Excellency to pardon any deviation from the ordinary channel of official communication, if the request I make is informal, but I would take the earliest means of meeting such astounding charges as Mr Rice has made.

I have the honor to be

Your Excellency's

Most obedient humble servant

Alfred Howell

H. de long

Minister Plenipotentiary and
Extraordinary of the U. S. of America to Japan

British Consulate.
Kentucky Sept 9th 1811.

Sir,

I have the honor to acknowledge the receipt of your Despatch of this day's date, requesting the attendance of certain British subjects as witnesses in a case you are instructed by the State Department at Washington to investigate, and that these gentlemen be directed to attend forthwith.

My instructions are, the unreasonable

H. E. the Hon. Jos. [illegible] and
M. S. Envoy Extraordinary
&c &c &c.

and supplies has to be given to witnesses when their attendance is required, twenty four hours being the time our Courts allow.

I regret to say, that at this late hour, I do not it will be impossible for me to comply with your request to day, but should you require the presence of those gentlemen next week, it can be arranged for Tuesday, if you will kindly inform me at what hour by Monday at 10 a.m.

I have the honor to be,
Sir,
your most obedient
humble Servant
R. Lusden
H. B. M.'s Consul

British Consulate
Honolulu 11 Sept 1871.

Sir,

I have the honor to inform you, that in accordance with your request I have summoned Majors Bartick, Blatchford, Howard and Thompson and Constable Lawrence to appear before you to-morrow at 10 a.m. on board the H. I. M. "Tribune", and inclose copies of the summonses served on them.

I have the honor to be,
Sir,
your most obedient
humble Servant
R. Louden.
H. B. M.'s Consul

Honorable
C. C. de Long
U. S. Envoy Extraordinary
&c &c &c.

SUMMONS FOR WITNESS.

IN THE CAUSE IN WHICH A. C. Dunn of Yedo is Plaintiff,
and E. E. Rice of Hakodate Defendant.

At Her Britannic Majesty's Consulate at Hakodadi, the 11 day of September 1871.

To Constable Laurence and his Assistants.

WHEREAS the Plaintiff in this cause ~~has complained that the Defendant~~

has preferred certain charges against the Defendant

and it has been made to appear to me Richard Eusden, Her Britannic Majesty's Consul at ~~Nagasaki~~ Hakodate that George Berrick ~~it~~ is a Witness in the cause and is likely to give material evidence therein, this is to require you to Summon the said Witness (delivering to him a Copy hereof) that he appear ~~and S. S. Ariel "before C. E. de Long"~~ at this Consulate ~~before Her Britannic Majesty's Consul~~, on Tuesday, the 12 day of September, 1871, at 10 o'clock in the fore noon, to testify what he shall know concerning the matter of the complaint ~~and be you then there to certify what you shall have done in the premises~~.

Given under my Hand and Seal at the time and place first above written.

(signed) R. Eusden
Her Britannic Majesty's Consul.

I ~~Thomas Lawrence~~ do hereby certify that on the day of , 186 , at o'clock in the noon, I duly summoned the within-named Defendant and served a true Copy of the Summons on him in the manner following, that is to say

Personally, said he wished to know on what he had to give evidence, so as to be prepared

If this Summons be disobeyed a Warrant may issue to bring the Witness before the Consul. (signed) S. F. Laurence

If practicable, the Copy must be served on the Witness personally; but if this be impracticable, it may be left at his usual place of abode or of business, or be affixed to a conspicuous part of such place; or, if he belongs to a ship, be left with the person appearing to be in command or charge of such ship.

Time expg.

R. Eusden.

H. J. Every Esquire &c &c
Minister Plenipotentiary

SUMMONS FOR WITNESS.

THE CAUSE IN WHICH A. C. Dunn of Yedo is Plaintiff,
and E. E Rice of Hakodate Defendant.

At Her Britannic Majesty's Consulate at Hakodadi, the 11 day of September 1871.

Constable Laurence and his Assistants.

WHEREAS the Plaintiff in this cause ~~has complained that the Defendant~~

has preferred certain charges against the Defendant

and it has been made to appear to me Richard Eusden, Her Britannic Majesty's Consul at ~~Nagasaki~~ Hakodate that Thomas Blakiston ~~it~~ is a Witness in the cause and is likely to give material evidence therein, this is to require you to Summon the said Witness (delivering to him a Copy hereof) that he appear and ~~I. Paust before C. E. de Long~~ at this Consulate ~~before Her Britannic Majesty's Consul~~, on Tuesday, the 12 of September, 1871, at 10 o'clock in the fore noon, to testify what he shall know concerning the matter of the complaint ~~and be you then there to certify what you shall have done in premises~~.

Given under my Hand and Seal at the time and place first above written.

(signed) R. Eusden.
Her Britannic Majesty's Consul.

U. S. Envoy Extraordinary. Minister Plenipotentiary &c &c &c

I ~~do~~ do hereby certify that on the day of , 186 , at o'clock in the noon, I duly summoned the within-named Defendant and served a true Copy of the Summons on him in the manner following, that is to say

Personally, said he required a boat to be sent for him

If this Summons be disobeyed a Warrant may issue to bring the Witness before the Consul. (signed) S. F. Laurence

If practicable, the Copy must be served on the Witness personally; but if this be impracticable, it may be left at his usual place of abode or of business, or be affixed to a conspicuous part of such place; or, if he belongs to a ship, be left with the person appearing to be in command or charge of such ship.

True copy.
R. Eusden

SUMMONS FOR WITNESS.

THE CAUSE IN WHICH A. C. Dunn of Yedo is Plaintiff,
and E. E. Rice of Hakodate Defendant.

At Her Britannic Majesty's Consulate at Hakodadi, the 11 day of September 1871.

Constable Laurence and his Assistants.

WHEREAS the Plaintiff in this cause ~~has complained that the Defendant~~

has preferred certain charges against the Defendant

and it has been made to appear to me Richard Eusden, Her Britannic Majesty's Consul at ~~Nagasaki~~ Hakodate that Alfred Howell is a Witness in the cause and is likely to give material evidence therein, this is to require you to Summon the said Witness (delivering to him a Copy hereof) that he appear and ~~I~~ attend before me C. Ede Long at his Consulate before ~~Her Britannic Majesty's Consul~~, on Tuesday, the 12 of September, 1871, at 10 o'clock in the fore noon, to testify what he may know concerning the matter of the complaint ~~and be you then there to certify what you shall have done in the premises~~.

Given under my Hand and Seal at the time and place first above written.

(Signed) R. Eusden
Her Britannic Majesty's Consul.

I ~~Alfred Howell~~ do hereby certify that on the day of , 186 , at o'clock in the noon, I duly summoned the within-named Defendant and served a true Copy of the Summons on him in the manner following, that is to say

Personally.

If this Summons be disobeyed a Warrant may issue to bring the Witness before the Consul. (Signed) S. F. Laurence.

If practicable, the Copy must be served on the Witness personally; but if this be impracticable, it may be left at his usual place of abode or of business, or be affixed to a conspicuous part of such place; or, if he belongs to a ship, be left with the person appearing to be in command or charge of such ship.

U. S. Envoy Extraordinary
Minister Plenipotentiary
&c &c &c

True copy.
R. Eusden.

SUMMONS FOR WITNESS.

THE CAUSE IN WHICH A. C. Dunn of Yedo is Plaintiff,
and E. E. Rice of Hakodate Defendant.

At Her Britannic Majesty's Consulate at Hakodadi, the 11 day of September 1871.

and his Assistants.

WHEREAS the Plaintiff in this cause ~~has complained that~~ the ~~Defendant~~ has preferred certain charges against the Defendant

and it has been made to appear to me Richard Eusden, Her Britannic Majesty's Consul at ~~Nagasaki~~ Hakodate that J. St. Laurence ~~it~~ is a Witness in the cause and is likely to give material evidence therein, this is to require you to Summon the said Witness (delivering to him a Copy hereof) that he appear ~~and I do hereby require~~ at this Consulate before ~~Her Britannic~~ Majesty's Consul, on Tuesday, the 12 of September, 1871, at 10 o'clock in the fore noon, to testify what he shall know concerning the matter of the complaint ~~and be you then there to certify what you shall have done in the premises~~.

Given under my Hand and Seal at the time and place first above written.

(signed) R. Eusden.

Her Britannic Majesty's Consul.

I ~~_____~~ do hereby certify that on the ~~_____~~ day of ~~_____~~, 186~~__~~, at ~~____~~ o'clock in the ~~____~~ noon, I duly summoned the within-named Defendant and served a true Copy of the Summons on him in the manner following, that is to say

Served by the undersigned on the said J. St. Laurence personally.

(Signed) R. Eusden

If this Summons be disobeyed a Warrant may issue to bring the Witness before the Consul.

If practicable, the Copy must be served on the Witness personally; but if this be impracticable, it may be left at his usual place of abode or of business, or be affixed to a conspicuous part of such place; or, if he belongs to a ship, be left with the person appearing to be in command or charge of such ship.

True copy.
R. Eusden.

H. B. M. Envoy & Plenipotentiary &c &c &c

SUMMONS FOR WITNESS.

THE CAUSE IN WHICH A. C. Dunn of Yedo is Plaintiff,
and C. E. Rice of Hakodate Defendant.

At Her Britannic Majesty's Consulate at Hakodadi, the 11 day of September 1871.
Constable Laurence and his Assistants.

WHEREAS the Plaintiff in this cause ~~has complained that the Defendant~~

has preferred certain charges against the Defendant

and it has been made to appear to me Richard Eusden, Her Britannic Majesty's Consul at ~~Nagasaki~~ Hakodate that J. R. Thompson is a Witness in the cause and is likely to give material evidence therein, this is to require you to Summon the said Witness (delivering to him a Copy hereof) that he appear ~~on the S.S. "Ariel" before C. E. de Long~~ at this Consulate ~~before Her Britannic Majesty's Consul~~, on Tuesday, the 12 of September, 1871, at 10 o'clock in the fore noon, to testify what he shall know concerning the matter of the complaint ~~and he you then there to certify what you shall have done in the premises~~.

Given under my Hand and Seal at the time and place first above written.

(signed) R Eusden
Her Britannic Majesty's Consul.

I S. F. Laurence do hereby certify that on the 11th day of September, 1871, at 12 o'clock in the noon, I duly summoned the within-named Defendant and served a true Copy of the Summons on him in the manner following, that is to say

left with Mr Berrick at his house who said that Mr Thompson was not in Town and might not be back for a week

(signed) S. F. Laurence

If this Summons be disobeyed a Warrant may issue to bring the Witness before the Consul.

If practicable, the Copy must be served on the Witness personally; but if this be impracticable, it may be left at his usual place of abode or of business, or be affixed to a conspicuous part of such place; or, if he belongs to a ship, be left with the person appearing to be in command or charge of such ship.

U. S. Envoy & Hardinary
Minister Plenipotentiary &c &c &c

True copy.
R. Eusden

S S Amil. Hakodada

Japan Sept 11 th 1871

Sir.

I have the honor to acknowledge the receipt of your dispatch of this date enclosing to me copies of the summonses served upon witnesses Burick, Blackinton Howell Thompson and Comtath Sansuce.

The wants of Messrs Blackinton and Burick will be complied with.

Returning you my sincere thanks for your courtesy and attention in this matter

I have the honor to be

Sir

Your most obedient Servant

C D Long.

U S Envoy Extraordinary and

Minister Plenipotentiary in Japan.

Richard Enden Esq

U S M. Consul. Hakodada Japan.

Imperial

ow Majesty's

usulate

Date 10/29 September/August

1871.

N: 59.

Sir,

On Your request which You stated to me Yesterday the 9th September, I have the honor to state that Mr H. Strand, is ordered by me to appear before Your Excellency to morrow at 10 o'clock on board of the U. S. P. M. S. S. Company's Steamer Ariel, and has to stay there until needed.

I have the honor, Sir, to forward Your Excellency a paper

To His Excellency
Honorable C. E. De Long
U. S. Minister in Japan.

which shows that Mr. H. Strand
given oath to state whatever he
about the case in which he
called as witness.

Mr. Shlutter being sick a
not able to leave his house ca
appear before Your Excellency
requested.

I have the honor,

Sir,

To be Your Excellency's most
ient Servant.

A. E. Harvorka

The Citizen of the North German Confederation Hermann Strauch appeared before me the 10th September / 29 August / 1871 and made oath for stating truly and correctly all he knows in the case of A. C. Dunn Esq & E. E. Rice Esq.

H. Strauch.

10th September / 29th August / 1871.

No 45.

A. S. Olarovsky
H. I. R. M's. C. Consul
& protector of the interests
of the N. G. Confederation's
interests at Mahadale.

U.S. Cruiser Hakodadate

Japan. September 11th 1871

Sir.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Japan has the honor to acknowledge the receipt this day of your dispatch of date the 10th inst enclosing the oath administered to the witness Hamanami Strand.

For your exceeding kindness and courtesy in this regard as well as also for that shown throughout the stay of the undersigned at this Port, he has the honor to return to you his most sincere thanks.

I have the honor to be

Sir

Your most obedient Servant

C. E. De Long

H. E. Olanoskii Esq.

H.I.M.'s Consul and

Protector of the interests of the North German

Confederation at Hakodadate Japan.

Hakodadi 11th Sept 1871

To,

His Excellency

C. E. de Long

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America to Japan

&c &c &c

Sir,

I have the honor to acknowledge the receipt of Your Excellency's dispatch of this day date, and beg to thank you for the terms in which your inability to comply with my request is pointed out.

In view of the charges made against me by Mr Rice, my absolute denial of them and the ready opportunity of refuting them is presented by Your Excellency's arrival here. I would now beg permission to be allowed to address you a letter on the subject, to be forwarded subject to your approval to the Hon'ble Secretary of

of State, or to be allowed to address you on the subject orally when I am called for I am informed I am to be) as a witness to Your Excellency's Court of enquiry.

The great injury which Mr Rice's accusations against me, are calculated by him to cause, will I trust commend itself to Your Excellency's judgment, as an excuse for my anxiety to disprove them at once and I earnestly beg that the opportunity now offered of meeting such charges may be extended to me in any way Your Excellency may think fit.

I have the honor to be

Your Excellency's

Most obedient humble servant

Alfred Smith

S. S. "Ariel"
Sept 11. 1871.

Sir

Acknowledging the receipt of your communication of this date, I have to state in reply, that if you will give your reply to Mr Pike's charges against you in form of a note to me attaching it to copies of the correspondence and swear to it before a Consul I will if you request it, attach and forward it apart of the record in this case for transmission to Washington & State.

This is the only method I can pursue & say in reply with the record of this proceedings before the State Department.

Trusting that this course may prove agreeable to you

I have the honor
to remain
Your most obedient servant
(Signed) C. E. Perkins

To
Fred Low Esqr
Hakodadi Japan

U. S. Cons. Hakodada

Sept 11th 1871.

Sir.

Your Note of date the 9th inst advising me that Mr Dunn had shown you a copy of a dispatch from Mr E. C. Rice to Hon Hamilton Fish of date Feb 3d 1871, requesting me to furnish you with a copy of the case and investigate the charges therein made against you by Mr Rice is at hand.

It would afford me much pleasure to comply with your request therein made if under the rules of our Service I could do so without obtaining previous permission from the Department of State, which however I ~~cannot do without such previous permission~~ is not permissable.

Communications with the State Department are not intended or admitted to be made public except under direction of the Hon Secretary. In this case Mr Dunn as one of the parties to this investigation was allowed by me to peruse all correspondence in any way affecting his case. It was irregular for him to copy any of the correspondence or state its contents without obtaining previous permission

Alfred Howell Esq from

Hakodada Japan

from me to do so. His having done so in this instance I presume was the result of thoughtlessness and I will therefore overlook it;

Regretting that I cannot comply with your requests I have the honor to remain

Sir

Your Most Obedient Servant

C. C. Duncan

Yokohama
13 September 1871.

Sir,

I have the honor to inform you, that in accordance with your request, I am ready to appear before the Court you are presiding over to-morrow at 10 a.m.

I have the honor to be,
Sir,
your most obedient
humble Servant
R. Enslen.
U. S. M. Consul.

Honorable
C. E. de Long.
U. S. S.

S. S. Ariel Hakodadi.

September 13th. 1871.

Sir;

At the request of Mr A C. Dunn, I take the liberty of addressing you this note to enquire if you would so far accommodate Mr Dunn and this Court as to appear in person before this Court on to morrow at 10 o'clock A. M. to give evidence in the matter now being investigated by me.

I have the honor
Sir to be
Your most Obedient Servt
(Signed) C. E. De Long

Richard Eusden Esq
H. B. M. Consul
Hakodadi Japan.

Stockholm. 14 Sept 1871

C. E. Delony Esqr.
Envoy Extra.y & Min.r Plen.y
for the United States
&. & &.

Sir

I have the honor to enclose the
memoir requested by your court.

I am unable to find Colonel
Rice's receipts for money remitted
upon the transfer of the "Ranger-
Kami".

I have the honor to be
Sir.
Your obed.t Servt.

Thos. Blakiston

13th Sept 1871

My dear Sir.

Herewith I have the honor to send you $150 in Kirsch, as per memo on the other side. It is difficult to get any quantity of the small kind but should you require any of them sent to be exchanged I will do my best to carry out your wishes. May I trouble you to send me at your convenience a receipt in duplicate as requested by Messrs Walsh Hall & Co.

I had deferred personally my
visit to you till after I had
concluded my examination as
witness in your Court. But I
take the earliest opportunity
now that is over to assure you
Sir that it will give me the
most sincere pleasure to be of
any service to you, or to be
allowed to contribute in any
way to promote the pleasure
of your stay here.

I am, very respectfully
Your obedient servant
Alfred Howell

Mems:

150 @ 375 Kinsals per Boo

Kinsals 562 1/2 Boos

5 Ris Salts 80 Boos

1 " " 320 "

2 Boo " 40 "

1 " " 82 "

1/2 " " 40 1/2

562 1/2 Boos.

Feb 12 1891

C E Sterling Esq

Dear Sir

I have sent you forms
the number you require.
but with tenderness how
to, and send you a
city.

Yours faithfully
Thos Bateman

Washington Sept 1st 1871

My dear Sir,

Herewith I hand you $50 in large bills and 380 or Boos 190- and have the honor to enclose a receipt in duplicate which I shall be obliged if you will kindly return at your convenience.

Very respectfully
Your obedient servant
Alfred Hamlet

The Hon'ble
C. E. de Long
U. S. Minister.

Hakodadi 11th Sept 1871

To
C. E. de Long
U. S. Minister Plenipotentiary Extraordinary
Present.

In reply to your favor of to day date, giving cover to a letter of credit from Messrs Walsh Hall & Co. of Yokohama, I have the honor to inform you that any drafts you may be pleased to draw upon it, will be duly honored by my firm. I shall be-

I have the honor to be

Sir

Your most obedient humble servant

Alfred Hall

Wednesday

My dear Mr De Long

I am very sorry you have been too busy to dine with us since your arrival. But hope after your return from the North we shall have the pleasure of entertaining your good self & friends. I have written Lund (your a few apples.

Empire of Japan
Yokohama } ss.

Personally appeared before me J. M. Bachelder, an American citizen and known to me to be the person whose name is subscribed hereto, and being first duly sworn on oath, deposes and says, that on or about the 1st day of October A.D. 1868 he was at Hakodate, in the Empire of Japan, and that at the same time the ship the "Kayatta" or "Coyatta" was in the said port of Hakodate in charge of a Keeper and under the American flag.

And Affiant says that a large number of Coolies had come on said ship into the said port and were detained there by the Governor of Hakodate, and that the said Governor held the said ship liable for the cost and expenses of keeping of said ship and of feeding and keeping the said Coolies. And the Affiant says that he about that time agreed with the said Governor to transport the said Coolies to China for about the sum of $2100 ^{oo} and that he did so transport said Coolies in his the Affiants ship the "Hongne" and that at the same time he offered to take charge and care of the said.

C. & J.

ship the "Coyatta" for the sum of $1.00 per day to be paid this Affiant with a provision that if said ship should be sold, as was then contemplated, that the Affiant would pay for his use of the said ship the sum of $1.00 per day. These stipulations were agreed upon by the Affiant, the said Governor, and the U.S. Consul for said port, and the Affiant did take charge of said ship as agreed upon.

C. No. 3.

And the Affiant says that he has not been fully paid for taking the said Coolies to China as aforesaid and that there is now due him for said services about the sum of $900.00, and he says that he has never paid for the use of said ship to any person, nor has he received aught for his services for the care and charge of said ship.

C. No 4

And he says that since that time he has held and now does hold the said ship, against which he has a just and valid charge for services as aforesaid.

J. W. Batchelder

Subscribed and sworn to before me at Yokohama Japan this 4th day of September A.D. 18[illegible]

C. A. Bluford

Consul

Affidavit of.

J. M. Bachelder

Mr Olney

Judging from these papers, the money is due from Mr Rice to the Japanese government and should be paid.— But there is nothing here to show why Mr Rice declines paying— If he is in Washington it may be well to ask him to communicate with the Department on the subject—

Mr DeLong's despatch here ends by saying that he affirmed the claim against Mr Rice— If there is any previous despatch mentioning this I would like to see it—

C H

March 9

Memorandum handed to Mr DeLong 20th March 1872.

with Act Mr. Pruyn

Legation Japan

December 22nd 1871

No 264

Genl C C DeLong

Envoy Extraordinary &c

Contents

Forwarding copy of a Letter recd

from the Japanese Ministers enclosing

Claim against C C Rice Esq.

No 267 Delegation Japan

December 22 nd 1871

Sir

I have the honor to advise you that on the 17th of last month I received from the Minister for Foreign Affairs a Note addressing me of a claim against the Rev Rice preferred by the Japanese Government and asking its payment (Enclosure No 1). With this Note Excellency forwarded a Note received by them from their authorities at Hakodadi with certain accompanying notes attached (Enclosure No 2) -

2/2

To this I replied verbally informing them that I would forward a copy of

Hon Hamilton Fish their

Secretary of State

Washington D C

I have the note and its enclosures to you and when at Washington as Mr Rice would probably be there I would endeavor to have the matter called up by you for investigation. That I believed Mr Rice held certain claims against the Japanese Government which he could then fully explain. That Excellencies expressed themselves satisfied to have this course followed. That upon claim it will be observed was signed to and sworn at the examination held by me at Hakodadi

I have the honor to remain
Sir your most obedt Servt
C C DeLong

Legation of U.S.A.
No 264
Rec'd
Mr DeLong
Encls
Explanation of claims of
Chas Lanier & Co &
Rice & Co

Copy of translation

Yokohama 4th of 10th mo. Augt 4,

We were informed by the authorities of Hakodate in forwarding those documents that the value of premises formerly and now occupied by the American consuls with the consent of the Govt Office there in the month of September 1857. and February 1858 according to the request made by Mr S. S. Rice their American commercial agent is unpaid up to this day though the demand was repeatedly made to Mr Rice. who has never attended to and that your Excellency is acquainted with the subject during your last visit there.

After the thorough examination of the documents which we beg to enclose to you it is plain that Mr Rice ought to pay the amount, &c. and we are unable to understand, why the repayment is so long delayed. by him. We are now compelled. to lay the matter before Your Excellency with

H. E. C. E. Pruyn
U. S. E. E. & M. P. in
Japan

Washington Sept 22 1858

with the request to cause him to at once
pay the debt with the interest in accordance
with his written promise.

With request and consideration

Makuna Ismail

Ibrahim Mineni

Tumajuchi Atoyshi

Pr. & Jr. Ministers for

Foreign Affairs

With Despatch No 1

By Yokohama Japan

Mail Steamer

Brazilian & Colombian

Copy.

Office of the United States
Commercial agency.
Hakodate 13th Sept. 1859.

To his Excellency the Governor
of Hakodate.

Sir:

Having called at your port for the purpose of effecting a trade, giving certain articles of the growth of the United States, and receiving in exchange the products of Japan, and not being able to dispose of any of our cargo; and having been very kindly furnished with provisions, rice &c. to the amount of Nine Hundred and seventy three Dollars and Ninety two cents (973.92). I promise to bring or send this money to you with the addition of six per cent. in Mexican Dollars, - it being distinctly understood that the accidents and dangers of the

Sea

With Despatch No 2 &c

sea are to be allowed, during the Summer of the year 1858 from June to September or there about and in case of accident to me the bill will be settled by E. E. Rice Esqr. commercial Agent for the United States of America.
Hereto we affix our names

George J. Cushing supr cargo
american Bt. "Bkering"
U. S. Commercial Agent
E. E. Rice

Hakodate 13 Feb. 1858
For value received in suplies from the governor of Hakodate, I promise to pay him on the arrival of Mr. Chashing 782168. cash next summer in mexican Dollars $181 67/100.
(signed) E. E. Rice
U. S. C. a

To

His Excellency

The Governor of Hakodate.

Sir

As Fire wood Water and other necessary things have been furnished ships "Rapid" and Adelin and as they have not the money to pay; I agree to pay the amount of Four Hundred and ninty-five Dollars and fifty two Cent (495.52) six p Ct interest when Mr. Cushing of Bark "Behring" arrives in the summer of 1858 and if Mr. Cushing do not come I will then pay.

(Signed) Ed. E. Rice

U.S. Commercial agent

Hakodate the 4 Febr. 1858

With dispatch 264

Delegation Japan

No 2

Copy of Japanese
Admin. Mr Rives
Agreement to pay